



An Bille um Pleanáil agus Forbairt (Leasú), 2016
Planning and Development (Amendment) Bill 2016

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann



**AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016
PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016**

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation, construction and commencement
2. Interpretation
3. Expenses

PART 2

OFFICE OF THE PLANNING REGULATOR

4. Office of the Planning Regulator

PART 3

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

5. Office of the Planning Regulator and amendments to Part II of Principal Act
6. References to manager, etc., in Principal Act
7. Amendment of section 7 (planning register) of Principal Act
8. National Planning Framework
9. Publication of certain documents on website of planning authorities
10. Amendment of section 33 (regulations regarding applications for permission) of Principal Act
11. Amendment of section 34 (permission for development) of Principal Act
12. Amendment of section 35 (refusal of planning permission for past failures to comply) of Principal Act
13. Amendment of section 38 (availability of documents relating to planning applications) of Principal Act
14. Power to vary appropriate period, etc.

15. Development contributions and supplementary development contribution schemes
16. Amendment of section 144 (fees payable to Board) of Principal Act
17. Amendment of section 162 (evidence of permission) of Principal Act
18. Amendment of section 176A (application for screening for environmental impact assessment) of Principal Act
19. Amendment of section 176C (review of screening determination for environmental impact assessment and referral of application for screening for environmental impact assessment) of Principal Act
20. Amendment of section 177S (Competent Authority) of Principal Act
21. Amendment of section 177T (Natura impact report and Natura impact statement) of Principal Act
22. Amendment of section 180 (taking in charge of estates) of Principal Act
23. Amendment of section 208 of Principal Act
24. Amendment of section 247 (consultations in relation to proposed development) of Principal Act
25. Amendment of section 248 (information to be provided in electronic form) of Principal Act
26. Amendment of section 255 (performance of functions by planning authorities) of Principal Act
27. Amendment of First Schedule (purposes for which objectives may be indicated in development plan) to Principal Act
28. Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Principal Act
29. Amendment of section 3 (definitions (Chapter 1)) of Act of 2016
30. Amendment of section 5 (request for consultations before making application under section 4) of Act of 2016
31. Amendment of section 6 (consideration of request under section 5 by Board and consultations) of Act of 2016
32. Amendment of section 8 (requirements relating to application for permission under section 4) of Act of 2016
33. Amendment of section 10 (supplemental provisions to section 9) of Act of 2016
34. Amendment of section 12 (regulations (sections 4 to 10)) of Act of 2016
35. Amendment of section 28 (amendment, etc., of section 42 (power to extend appropriate period) of Act of 2000) of Act of 2016

PART 4

MISCELLANEOUS AMENDMENT

36. Amendment of section 33 of Water Services (No. 2) Act 2013

SCHEDULE 1

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO PART II OF PLANNING AND DEVELOPMENT ACT 2000

SCHEDULE 2

AMENDMENTS TO PLANNING AND DEVELOPMENT ACT 2000 RELATING TO CHIEF EXECUTIVE OF LOCAL
AUTHORITIES, ETC.

SCHEDULE 3

NATIONAL PLANNING FRAMEWORK AND REFERENCES TO NATIONAL SPATIAL STRATEGY

SCHEDULE 4

AMENDMENT TO PLANNING AND DEVELOPMENT ACT 2000

PUBLICATION ON WEBSITE OF A PLANNING AUTHORITY OF CERTAIN SUBMISSIONS AND OBSERVATIONS, AND
REPORTS OF THE CHIEF EXECUTIVE, RELATING TO PLANNING PROCESS

ACTS REFERRED TO

Building Control Act 2007 (No. 21)
Companies Act 2014 (No. 38)
Dublin Transport Authority Act 2008 (No. 15)
European Parliament Elections Act 1997 (No. 2)
Fire Services Act 1981 (No. 30)
Freedom of Information Act 2014 (No. 30)
Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Act 2014
(No. 19)
Industrial and Provident Societies Acts 1893 to 2014
Licensing Acts 1833 to 2011
Local Government Act 2001 (No. 37)
Local Government Reform Act 2014 (No. 1)
Planning and Development (Amendment) Act 2010 (No. 30)
Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)
Planning and Development Act 2000 (No. 30)
Planning and Development Acts 2000 to 2015
Planning and Development Acts 2000 to 2016
Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (No. 37)
Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7)
Public Transport Regulation Act 2009 (No. 37)
Roads Act 1993 (No. 14)
Urban Regeneration and Housing Act 2015 (No. 33)
Water Services (No. 2) Act 2013 (No. 50)
Water Services Act 2007 (No. 30)



AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016
PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016

Bill

entitled

An Act to amend and extend the Planning and Development Acts 2000 to 2015 and for that purpose to establish an office, to be known as the Office of the Planning Regulator, to evaluate and carry out assessments relating to planning matters and provide observations and recommendations in relation to those matters, to conduct reviews and examinations and to conduct education and training programmes and research in relation to planning matters; to provide for the organisation and staffing of that Office; to provide for a National Planning Framework; to provide for certain planning and development requirements to be taken into account by Irish Water; to make miscellaneous and consequential amendments to the Planning and Development Act 2000 and to various other Acts in so far as they relate to planning and development and to provide for connected matters.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation, construction and commencement

1. (1) This Act may be cited as the Planning and Development (Amendment) Act 2018. 20
- (2) This Act, other than *Part 4* and *Schedule 3* at reference numbers 12 to 18, and the Planning and Development Acts 2000 to 2016 may be cited together as the Planning and Development Acts 2000 to 2018 and shall be construed together as one.
- (3) This Act (other than *section 2* and *Part 4* and where otherwise expressly provided for) comes into operation on such day or days as the Minister may appoint by order or orders, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes and different provisions. 25

Interpretation

2. In this Act—

“Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016;

“Minister” means Minister for Housing, Planning, Community and Local Government;

“Principal Act” means the Planning and Development Act 2000.

Expenses 5

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

OFFICE OF THE PLANNING REGULATOR 10

Office of the Planning Regulator

4. The Principal Act is amended by inserting the following Part after Part IIA (inserted by the Dublin Transport Authority Act 2008):

“PART IIB

OFFICE OF THE PLANNING REGULATOR 15

CHAPTER I

PRELIMINARY AND GENERAL (PART IIB)

Definitions (Part IIB)

31K. In this Part—

‘establishment day’ means the day appointed by order under section 31L to be the establishment day for the purposes of this Part; 20

‘Office’ means the Office of the Planning Regulator established under Chapter II;

‘Planning Regulator’ means the person appointed under section 31N as the Planning Regulator. 25

CHAPTER II

ESTABLISHMENT, ORGANISATION, STAFFING ETC.

Establishment of Office of the Planning Regulator

31L. The Minister shall by order appoint a day to be the establishment day for the purposes of this Part. 30

Office of the Planning Regulator

31M. (1) There is established on the establishment day a body to be known as Oifig an Rialaitheoir Pleanáil or, in the English language, Office of the Planning Regulator, to perform the functions conferred on it by this

Part.

- (2) The Office of the Planning Regulator shall have all such powers as are necessary for or incidental to the performance of the functions of the Office under this Act.

Planning Regulator

5

31N. (1) There shall be appointed in accordance with section 31W a chief executive of the Office, to be known as the Planning Regulator, who shall be a corporation sole with perpetual succession and an official seal and with power—

- (a) to sue and be sued, 10
- (b) to acquire, hold and dispose of land or an interest in land, and
- (c) to acquire, hold and dispose of any other property.

(2) The Planning Regulator shall—

- (a) perform such functions as are specified in this Part to be functions of the Office, 15
- (b) be responsible for the performance by the Office of its functions under this Part, and
- (c) otherwise carry out, manage and control generally the administration and business of the Office for the purposes of this Part. 20

Seal of Planning Regulator

31O. (1) The seal of the Planning Regulator (in this section referred to as the ‘seal’) shall be authenticated by either—

- (a) the signature of the Planning Regulator, or
- (b) the signatures of 2 members of the staff of the Office, at least one of whom shall be a director of the Office, and both of whom have been authorised by the Office to act in that behalf. 25

(2) Judicial notice shall be taken of the seal and every document purporting to be an instrument made by the Office and to be sealed with the seal (purporting to be authenticated in accordance with subsection (1)) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown. 30

(3) Any contract or instrument which, if entered into or executed by an individual, would not be required to be under seal may be entered into or executed on behalf of the Office by a member of the staff of the Office or a person generally or specially authorised by the Office for that purpose. 35

Functions of Office

31P. (1) The functions of the Office are—

- (a) to evaluate and assess— 40

- (i) development plans, including draft development plans,
- (ii) variations of development plans, including proposed variations,
- (iii) local area plans, including the amendment or revocation of such plans, and
- (iv) regional spatial and economic strategies, 5
 - during their preparation and making under Chapters I to III of Part II in order for the Office to provide observations and recommendations to planning authorities and regional assemblies, as appropriate, on those plans and strategies,
- (b) in respect of any plan or strategy to which paragraph (a) relates, to inform the Minister if, in the opinion of the Office, any such plan or strategy is not consistent with its observations and recommendations, especially where, in its opinion, failure to be so consistent would affect the overall strategy for proper planning and sustainable development of the area concerned, 10
 - 15
- (c) to conduct research, including research at the request of the Minister, as to what constitutes proper planning and sustainable development,
- (d) to conduct education and training programmes and research as provided for by section 31Q, 20
- (e) to conduct reviews under Chapter IV of the performance by the Board and by planning authorities of their respective functions,
- (f) to oversee the delivery of effective planning services to the public by planning authorities including having regard to—
 - (i) any relevant indicator (within the meaning of Part 12A of the Local Government Act 2001) identified by the National Oversight and Audit Commission or prescribed by the Minister under section 126C(1) of that Act, or 25
 - (ii) regulations made by the Minister under section 134A(7) of the Local Government Act 2001, 30
- (g) to prepare an annual report in accordance with section 31AH on the performance of its own functions,
- (h) to prepare a strategy statement for the Office in accordance with section 31T, and
- (i) to make such observations as it considers appropriate to the Minister, or in its annual reports or otherwise, in relation to planning legislation, including: 35
 - (i) development plans, local area plans and regional spatial and economic strategies under Part II;
 - (ii) guidelines under section 28; 40

- (iii) directions under section 31;
 - (iv) codes of conduct under section 31AL; and
 - (v) in so far as relates to planning matters to which paragraph (f) relates.
- (2) (a) The Minister may, with the consent of the Minister for Public Expenditure and Reform, by order confer on the Office such additional functions connected with the functions for the time being of the Office as the Minister determines, subject to such conditions (if any) as may be specified in the order. 5
- (b) An order under paragraph (a) may contain such incidental, supplementary and additional provisions as may, in the opinion of the Minister, be necessary to give full effect to the order. 10
- (3) In performing its functions, the Office shall take account of the objective of contributing to proper planning and sustainable development and the optimal functioning of planning under the Planning and Development Acts 2000 to 2015. 15

Education, training and research functions

31Q. (1) The Office shall conduct education and training programmes—

- (a) for members of planning authorities and of regional assemblies in respect of— 20
 - (i) the role of such authorities, assemblies and their members under the Planning and Development Acts 2000 to 2015, including ministerial guidelines and policy directives under Chapter IV of Part II,
 - (ii) such matters relating to proper planning and sustainable development as the Minister may request, and 25
 - (iii) such other matters as the Office considers are of relevance to its functions, in particular, the functions relating to proper planning and sustainable development,
 - (b) for members of the staff of local authorities or regional assemblies in respect of— 30
 - (i) such matters relating to proper planning and sustainable development as the Minister may request, and
 - (ii) such other matters as the Office considers are of relevance to its functions, in particular, the functions relating to proper planning and sustainable development. 35
- (2) The Office shall conduct research in relation to matters relevant to its functions as well as such other matters as may be requested of the Office by the Minister.
- (3) The Office may enter into arrangements with any person or body that the Office considers to be suitably qualified, including any 40

professional, educational or research organisation, to undertake the provision of such services that the Office sees fit to which paragraph (a) or (b) of subsection (1) or subsection (2) relates and that are relevant to its functions.

(4) The Office shall include in its annual report to the Minister under section 31AH a report on— 5

(a) education and training activities, and

(b) research activities,

undertaken by it in respect of the year to which that report relates.

Performance of functions by Office 10

31R. (1) Subject to this Part, the Office is independent in the performance of its functions.

(2) Subject to section 31O, the Office may perform any of its functions through any member of the staff of the Office duly authorised in that behalf— 15

(a) by the Planning Regulator, or

(b) to the extent provided for by the Planning Regulator under paragraph (a), by a director of the Office.

Office to have regard to certain policies and objectives and to requirements

31S. (1) The Office shall, in performing its functions, have regard to— 20

(a) the policies and objectives for the time being of the Government, a State authority (including Ministerial guidelines, policy directives and directions issued under Chapter IV of Part II), planning authorities and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns, villages or other areas, whether urban or rural, 25

(b) the public interest and any effect the performance of the Office's functions may have on issues of strategic, economic or social importance to the State, 30

(c) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and any regional spatial and economic strategy for the time being in force, and

(d) the requirements of relevant acts of the European Union, in particular, those relating to— 35

(i) the Environmental Impact Assessment Directive,

(ii) Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment¹,

(iii) the Habitats Directive, and 40

¹ OJ No. L 197, 21 July 2001 p. 30

(iv) the Birds Directives,

in so far as those requirements relate to planning authorities by virtue of being designated as competent authorities for the purposes of those acts.

- (2) In this section ‘public authority’ means any body established by or under statute which is for the time being declared, by regulations made by the Minister, to be a public authority for the purposes of this section. 5

Corporate strategy of Office

31T. (1) The Planning Regulator shall prepare a strategy statement for the Office within 6 months of its establishment and thereafter not earlier than 6 months before and not later than the expiration of each subsequent period of 6 years following the establishment day. 10

- (2) The strategy statement shall be prepared on the basis of an organisational wide strategic approach encompassing the functions and principal activities of the Office and shall include: 15

(a) a statement setting out the approach taken in respect of each of the Office’s functions referred to in section 31P;

(b) a statement of the principal activities of the Office;

(c) the objectives and priorities for each of the principal activities and strategies for achieving those objectives; 20

(d) the manner in which the Office proposes to assess its performance in respect of each such activity, taking account of indicators which shall be identified by the Office and of the need to work towards best practice in service delivery and in the general operation of the Office; 25

(e) human resources activities (including training and development) to be undertaken for the staff of the Office;

(f) the organisational structure of the Office, including corporate support and information technology and the improvements proposed to promote efficiency of operation and customer service and in general to support the strategy statement; and 30

(g) such other matters as the Planning Regulator considers necessary.

- (3) Within 3 months of the preparation of the statement of strategy for the purposes of subsection (1), the Office shall cause copies of it to be submitted to the Minister and laid before each House of the Oireachtas. 35

- (4) In this section ‘principal activities’ includes the following:

(a) any observations and recommendations issued in respect of—

(i) the review of development plans, 40

(ii) variations of development plans,

- (iii) the preparation and amendment of local area plans, and
- (iv) the preparation of regional spatial and economic strategies;
- (b) any plans and strategies made in a manner consistent with the observations and recommendations referred to in paragraph (a);
- (c) any recommendations issued by the Office to the Minister that the Minister uses his or her powers of direction under section 31 or 31A as regards— 5
 - (i) the review of a development plan,
 - (ii) variations of development plans,
 - (iii) the preparation and amendment of local area plans, and 10
 - (iv) the preparation of a regional spatial and economic strategy;
- (d) any directions issued in a manner consistent with the recommendations of the Planning Regulator;
- (e) the research, education and training conducted;
- (f) the reviews undertaken of the performance of planning functions of planning authorities and the Board. 15

Monitoring of performance of Office

- 31U.** (1) The Office shall conduct, at such intervals as it thinks fit or the Minister directs, reviews of its organisation and of the systems and procedures used by it in relation to the performance of its functions. 20
- (2) The Minister may direct the Office in respect of matters referred to under subsection (5) where the Minister has requested information.
- (3) Where the Minister gives a direction under subsection (2), the Office shall—
- (a) report to the Minister the results of the review conducted pursuant to the direction, and 25
 - (b) comply with any direction the Minister may give in relation to all or any of the matters which were the subject of the review.
- (4) The Office may make observations or submissions to the Minister as regards any matter pertaining to its functions. 30
- (5) The Minister may consult with the Office as regards any matter pertaining to the performance of—
- (a) the functions of the Office, or
 - (b) the functions assigned to the Minister by or under—
 - (i) the Planning and Development Acts 2000 to 2015, or 35
 - (ii) any other enactment in so far as those functions or the exercise of those functions relate or could relate to functions of the Office.

Consultation between Minister and Planning Regulator

31V. The Minister and the Planning Regulator shall, from time to time, consult with each other on matters relating to the functions of the Office and of the Planning Regulator.

Appointment and term of office of Planning Regulator

- 31W.** (1) Subject to this section, the Planning Regulator shall be appointed by the Minister on such terms and conditions of appointment, including remuneration, as the Minister may fix, with the consent of the Minister for Public Expenditure and Reform. 5
- (2) A person shall not be appointed as the Planning Regulator unless— 10
- (a) except where subsection (3) applies, the Public Appointments Service have, following holding a competition on behalf of the Office, selected him or her for nomination by the Minister to the Government for the purpose of approving his or her appointment as the Planning Regulator, and 15
- (b) his or her appointment has upon nomination by the Minister been approved by the Government.
- (3) Subsection (2)(a) does not apply to a person who would, if appointed, be serving a second consecutive term as the Planning Regulator.
- (4) The Planning Regulator— 20
- (a) shall be appointed in a wholetime capacity,
- (b) shall be appointed for a term of office of 5 years or such shorter period where subsection (6)(b) applies, and
- (c) shall not, at any time while holding office, hold any other office or employment in respect of which emoluments are made. 25
- (5) A person shall not be appointed for a term of office as Planning Regulator more than twice, subject to any provision provided for by law relating to retirement that would apply to the person, but nothing in this paragraph shall be read as preventing a former planning regulator from being a member of the staff or, subject to the consent of the Minister for Public Expenditure and Reform where relevant, otherwise being employed by the Office. 30
- (6) (a) The term of office of a person as Planning Regulator shall, except where paragraph (b) applies, be for the period of 5 years referred to in subsection (4)(b). 35
- (b) Where, within the period of 5 years from the date of appointment as Planning Regulator, the person concerned would attain the age of 65 years and he or she is neither—
- (i) a new entrant (within the meaning of the Public Service Superannuation (Miscellaneous Provisions) Act 2004) appointed having been previously appointed to a position in the public service (within that meaning) on or after 1 April 2004, 40

nor

(ii) a Scheme member within the meaning of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012,

then his or her term of office as Planning Regulator shall be such so that the term ceases upon his or her attaining the age of 65 years. 5

(7) As soon as practical after the appointment of a person as the Planning Regulator, the Minister shall cause a notice of the appointment to be published in *Iris Oifigiúil*.

Transitional provisions relating to Office

31X. (1) Before the establishment day the Minister may request the Public Appointments Service to hold a competition for the purpose of having selected a person to be nominated to the Government for its approval of the appointment of the person by the Minister as the Planning Regulator and, accordingly— 10

(a) section 31W(2)(a) shall be deemed to have been complied with, whether or not any steps taken pursuant to that request occur on or after the establishment day, and 15

(b) where a person has been duly selected by the Public Appointments Service before the establishment day, then—

(i) the Service shall advise the Minister accordingly, and 20

(ii) the Minister may before, on or after that day nominate the person to the Government for its approval of the appointment of that person by the Minister and the appointment shall take effect on whichever of the following is the last to occur:

(I) the establishment day; 25

(II) the date the appointment is made.

(2) If with effect from the establishment day there is no Planning Regulator then the Minister may, on an interim basis and pending the appointment, appoint in writing a person to perform some or all of the functions of the Planning Regulator. 30

(3) Where the Minister has appointed a person in accordance with subsection (2) to perform functions of the Planning Regulator and the functions performable include the function of appointing a director under section 31Z, then, notwithstanding section 31Z(1), not more than one person shall at any time stand appointed as a director unless the Minister approves any further appointments. 35

Resignation and removal of Regulator

31Y. (1) A Planning Regulator may at any time resign his or her office by giving notice in writing to the Minister of his or her intention to resign and any such resignation shall take effect as of the date upon which the Minister receives notice of the resignation. 40

(2) The Planning Regulator may be removed from office by the

Government if—

- (a) in the opinion of the Government, the Regulator has become incapable through ill-health of effectively performing his or her functions,
 - (b) in the opinion of the Government, the Planning Regulator has committed stated misbehaviour, 5
 - (c) the Planning Regulator has been convicted on indictment by a court of competent jurisdiction and sentenced to imprisonment,
 - (d) the Planning Regulator is convicted of an offence involving fraud or dishonesty, 10
 - (e) the Planning Regulator is adjudicated bankrupt in the State or another jurisdiction and if so adjudicated, has not obtained a certificate of discharge from the bankruptcy in the State or that other jurisdiction, as appropriate, or
 - (f) the removal of the Planning Regulator appears to the Government to be necessary for the effective performance by the Office of its functions. 15
- (3) Where the Planning Regulator is removed from office under this section, the Government shall cause to be laid before each House of the Oireachtas a statement of the reasons for the removal. 20

Directors

- 31Z.** (1) For the purpose of supporting the Planning Regulator and the Office in carrying out functions under this Part, the Planning Regulator—
- (a) may appoint up to 3 persons but shall appoint at least one person,
 - (b) subject to the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, may appoint such number of additional persons as may be specified, 25
- each to be a director of the Office (in this section referred to as ‘director’) to perform such functions as are duly assigned to each of them. 30
- (2) A director shall be a member of staff of the Office.
- (3) The Planning Regulator shall designate one director to be deputy Planning Regulator. The deputy Planning Regulator shall perform and carry out the functions of the Planning Regulator in the absence of the Planning Regulator or when there is no Planning Regulator and references to the Planning Regulator shall be read accordingly. 35
- (4) A director, on ceasing to be a member of the staff of the Office, shall be deemed to have vacated the position of director.

Staff of Office

- 31AA.** (1) The Planning Regulator shall appoint such and so many persons to be staff of the Office as the Planning Regulator, subject to the approval of 40

the Minister, given with the consent of the Minister for Public Expenditure and Reform, as to the number and grade of those staff, from time to time may determine, having regard to the need to ensure that an adequate number of staff are competent in the Irish language so as to enable the Office to provide service through Irish as well as English. 5

(2) A member of the staff of the Office shall hold his or her employment on such terms and conditions as the Office, subject to the approval of the Minister, with the consent of the Minister for Public Expenditure and Reform, from time to time determines. 10

(3) There shall be paid by the Office to its staff out of moneys at its disposal such remuneration and allowances as the Office, subject to the approval of the Minister, with the consent of the Minister for Public Expenditure and Reform, from time to time determines.

Membership of either House of Oireachtas, European Parliament or local authority 15

31AB.(1) Where the Planning Regulator or a member of the staff of the Office—

(a) accepts a nomination as a member of Seanad Éireann,
(b) is elected to be a member of either House of the Oireachtas or to be a member of the European Parliament, 20

(c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament, or

(d) is elected or co-opted as a member of a local authority,
he or she shall thereupon— 25

(i) in the case of the Regulator, cease to be the Regulator, and
(ii) in the case of any member of the staff of the Office, stand seconded from employment by the Office and not be paid by, or be entitled to receive from, the Office any remuneration or allowances for expenses in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected or on such election or co-option, and ending when he or she ceases to be a member of either such House, a member of such Parliament or a member of the local authority. 30

(2) Without prejudice to the generality of subsection (1), that subsection shall be construed as prohibiting the reckoning of a period therein mentioned as service with the Office for the purpose of any superannuation benefits payable under section 31AC or otherwise. 35

(3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein, 40

(b) a member of the European Parliament, or

(c) entitled under the Standing Orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under paragraph (a) or (c) or is such a member under paragraph (b), be disqualified for being the Planning Regulator or a member of the staff of the Office. 5

Superannuation of staff of Office

31AC. (1) The Office of the Planning Regulator may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of the Planning Regulator and the members of the staff of the Office. 10

(2) A scheme prepared and submitted under this section shall not provide for the granting of superannuation benefits to or in respect of any person where the Single Public Service Pension Scheme applies to that person by virtue of Chapter 2 of Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. 15

(3) A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons. 20

(4) The Office may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme previously amended under this subsection.

(5) A scheme under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by the Office in accordance with its terms. 25

(6) A scheme under this section shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.

(7) No superannuation benefits shall be granted by the Office to or in respect of a person on ceasing to be the Planning Regulator or a member of the staff of the Office otherwise than— 30

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform. 35

(8) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 40

(9) Subsection (8) shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme

under this section.

(10) In this section—

‘amending’, in relation to a scheme under this section, includes revoking the scheme;

‘superannuation benefit’ means any pension, gratuity or other allowance payable to or in respect of a person ceasing to be the Planning Regulator or a member of the staff of the Office. 5

Prohibition on disclosure of information relating to functions of Office

31AD.(1) No person shall, without the consent of the Planning Regulator (which may be given to the person, subject to or without conditions, as regards any information, any particular information or any information of a particular class or description), disclose— 10

(a) any information obtained by him or her while serving as a member of the staff of, or consultant or adviser to, the Office or as a person whose services are availed of by the Office by virtue of section 31AI or 31AJ, or 15

(b) any information so obtained relative to the business of the Office or to the performance of its functions.

(2) A person who contravenes subsection (1) commits an offence.

(3) Nothing in subsection (1) shall prevent— 20

(a) disclosure of information in a report made to the Office or in a report made by or on behalf of the Office to the Minister,

(b) disclosure of information by any person in the course of and in accordance with the functions of his or her office,

(c) disclosure of information in accordance with the Freedom of Information Act 2014, or 25

(d) disclosure of information in accordance with the European Communities Act, 1972 (Access to Information on the Environment) Regulations 1998 (S.I. No. 125 of 1998), and any regulations amending or replacing those regulations. 30

Liability of Planning Regulator or member of staff for acts and omissions

31AE. Neither—

(a) the Planning Regulator or a former Planning Regulator, nor

(b) a present or former member of the staff of the Office,

is liable for damages for anything done, anything purported to be done or anything omitted to be done by him or her in performing a function under this Act, unless the act or omission is shown to have been done in bad faith. 35

Grants to Office

31AF. There may, subject to such conditions, if any, as the Minister thinks 40

proper, be paid to the Office in each financial year out of moneys provided by the Oireachtas a grant or grants of such amount or amounts as the Minister, with the consent of the Minister for Public Expenditure and Reform and after consultation with the Office in relation to its programme of expenditure for that year, may fix.

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Accounts and audits of Office

31AG. (1) The Office shall—

- (a) submit estimates of income and expenditure to the Minister in such form, in respect of such periods and at such times as may be specified by the Minister, and 10
 - (b) provide to the Minister any information which the Minister may require regarding those estimates and also regarding the proposals and plans of the Office in respect of a period specified by the Minister.
- (2) The Office shall keep, in such form and in respect of such accounting periods as may be approved of by the Minister with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of moneys received and spent by the Office, including an income and expenditure account and a balance sheet. 15
- (3) (a) The Planning Regulator and any relevant member of the staff of the Office shall, whenever so required by the Minister, permit any person appointed by the Minister to examine the accounts of the Office in respect of any financial year or other period and shall facilitate any such examination, and the Office shall pay to the Minister such fee for the examination as may be fixed by the Minister. 20 25
- (b) In this subsection ‘relevant member of the staff’ means a member of the staff of the Office to whom duties relating to those accounts have been duly assigned.
- (4) (a) The accounts of the Office shall be approved by the Planning Regulator as soon as is practicable (but not later than 3 months after the end of the accounting period to which they relate) and submitted by it to the Comptroller and Auditor General for audit. 30
- (b) A copy of the accounts and the report of the Comptroller and Auditor General on them shall be presented to the Planning Regulator and the Minister as soon as is practicable, and the Minister shall cause a copy of the accounts and report to be laid before each House of the Oireachtas. 35

Annual report of Office

31AH. (1) The Office shall, not later than the 30th day of June in each year, prepare an annual report, which shall include information on the performance of its functions and its principal activities during the preceding year, including any matter to which section 31Q relates, and such other matters as the Minister may specify to the Office in writing. 40

- (2) The Planning Regulator shall cause a copy of the annual report to be laid before each House of the Oireachtas and shall cause a copy to be sent to the relevant Oireachtas Committee.
- (3) The Planning Regulator shall, at the request in writing of the relevant Oireachtas Committee, attend before it to account for matters in relation to its annual report. 5
- (4) In this section ‘relevant Oireachtas Committee’ means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas to which has been duly assigned the role of examining matters relating to environment and planning (other than the Committee of Public Accounts or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a sub-committee of such a relevant Oireachtas Committee. 10

Provision of services and resources by Minister to Office 15

- 31AI.** (1) For the purposes of enabling the Office to perform its functions, the Minister may provide services (including services of staff either on secondment or a permanent basis) to the Office on such terms and conditions (including payment for such services) as may be agreed, after consultation with the Minister for Public Expenditure and Reform, and the Office may avail of such services. 20
- (2) The Office may provide services (including services of staff) to the Minister on such terms and conditions (including payment for such services) as may be agreed, after consultation with the Minister for Public Expenditure and Reform, and the Minister may avail of such services. 25
 - (3) Without prejudice to the generality of subsection (1), the Minister may make available or cause to be made available to the Office, on a request being made by the Planning Regulator, premises, equipment, services and other resources for the purpose of the performance by the Office of its functions as the Office may determine from time to time in consultation with the Minister and the Minister for Public Expenditure and Reform. 30
 - (4) The Minister may, subject to the agreement with the relevant chief executive (by whatever name called) of any public body under the Minister’s aegis, including any local authority, provide for the provision of services under subsection (3). 35

Service providers

- 31AJ.** (1) The Office may from time to time engage such consultants or advisers as it considers necessary for the performance of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Office out of moneys at its disposal. 40
- (2) The Office shall include in each report made under section 31AH a statement of the names of the persons (if any) engaged pursuant to this section during the year to which the report relates. 45

Fees payable to Office

- 31AK.** (1) The Office of the Planning Regulator may determine fees that may be charged in relation to any matter referred to in subsection (2), subject to the approval of the Minister, and a fee as so determined shall be payable to the Office by any person concerned as appropriate, and different fees may be provided for in respect of different matters. 5
- (2) The matters in relation to which the Office of the Planning Regulator may determine fees under subsection (1) are in respect of reasonable costs for the provision or undertaking of—
- (a) education and training programmes, 10
 - (b) research programmes, and
 - (c) any other services, subject to the approval of the Minister.
- (3) Notwithstanding subsection (2), the Office may, subject to the approval of the Minister, provide for the payment of different fees in relation to different matters referred to in subsection (2), for exemption from the payment of fees in specified circumstances and for the waiver, remission or refund in whole or in part of fees in specified circumstances. 15

Code of conduct

- 31AL.** (1) (a) The Office shall adopt a code of conduct for dealing with conflicts of interest and promoting public confidence in the integrity of the conduct of its business which is required to be followed by those persons referred to in subsection (3). 20
- (b) A code of conduct under this section shall be subject to the approval of the Minister and be adopted within one year of the establishment day. 25
- (2) A code of conduct shall consist of a written statement setting out the policy of the Office on at least the following matters:
- (a) disclosure of interests and relationships where the interests and relationships are of relevance to the work of the Office, as appropriate; 30
 - (b) membership of other organisations, associations and bodies, professional or otherwise;
 - (c) membership of, or other financial interests in, companies, partnerships or other bodies; 35
 - (d) undertaking work, not being work on behalf of the Office both during and after any period of employment with the Office, whether as a consultant, adviser or otherwise;
 - (e) acceptance of gifts, sponsorship, considerations or favours;
 - (f) disclosure of information concerning matters pertaining to the work of the Office, as appropriate; 40

- (g) following of best practice to be adopted in relation to the functions of the Office including the procedures for the provision of statutory observations or submissions in relation to—
 - (i) the review, making and variation of development plans,
 - (ii) the review, making and amendment of local area plans, 5
 - (iii) the review, making and amendment of regional spatial and economic strategies, and
 - (iv) the disclosure by the Planning Regulator, staff of the Office or persons to whom section 31AJ relate of any representations relating to the work or functions of the Office made to the Planning Regulator, to any such staff member or person, whether in writing or otherwise in relation to those matters. 10
- (3) The code of conduct adopted by the Office applies—
 - (a) to the Planning Regulator,
 - (b) to a member of the staff of the Office, or 15
 - (c) to the extent indicated in the code of conduct, to any person or class or classes of persons to whom section 31AJ relates,

and the code of conduct shall be complied with by each person to the extent that it relates to him or her or has been duly applied to him or her. 20

CHAPTER III

EVALUATION AND ASSESSMENT CARRIED OUT BY OFFICE OF THE PLANNING REGULATOR

Evaluation and assessment by Office of matters relating to development plans

- 31AM.** (1) The Office shall evaluate and assess, at least at a strategic level— 25
- (a) a notice given under subsection (2) of section 11 by a planning authority to the Office for the purposes of that section of the intention of the planning authority to review its existing development plan,
 - (b) a notice and a copy of the draft development plan sent to the Office under subsection (1)(a) of section 12 by the planning authority concerned for the purpose of that section, 30
 - (c) a notice given under section 12(5)(aa) by the planning authority concerned to the Office in respect of a draft development plan,
 - (d) a notice given to the Office by a planning authority under section 12(7)(a), together with the proposed amendment that would, if made, be a material alteration of the draft development plan concerned, 35
 - (e) a notice sent together with the copy of any proposed variation of the development plan concerned sent to the Office under subsection (2)(a) of section 13 by the planning authority concerned for the 40

- purpose of that section,
- (f) a notice given under section 13(5)(aa) by the planning authority concerned to the Office in respect of a proposed variation of a development plan,
- and the Office may make such observations or submissions for the purposes of the relevant provision. 5
- (2) In assessing and evaluating any requirement to which subsection (1) relates, the Office shall endeavour to ensure that, where appropriate, it addresses the legislative and policy matters relating to development plans as follows: 10
- (a) matters generally within the scope of section 10 and, in particular, subsection (2)(n) of that section in relation to climate change;
- (b) consistency with the development plan and the National Planning Framework (or, where appropriate, the National Spatial Strategy) and regional spatial and economic strategies; 15
- (c) relevant guidelines for planning authorities made under section 28;
- (d) policy directives issued under section 29;
- (e) such other legislative and policy matters as the Minister may communicate to the Office in writing, the effect of which shall be published on the website of the Office. 20
- (3) In making observations or submissions for the purposes of the provisions referred to in subsection (1), or observations or submissions in respect of any evaluation or assessment to which subsection (2) relates, the Office shall—
- (a) make to the relevant planning authority such recommendations in relation to the Office’s evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions, and 25
- (b) send to the Minister a copy of any such observations or submissions, together with any recommendations made. 30
- (4) The report of the chief executive of the planning authority prepared for the elected members under—
- (a) section 11(4), in respect of the preparation of a new development plan, 35
- (b) subsection (4) or (8) of section 12 in respect of a draft development plan, or
- (c) section 13(4) in respect of a variation of a development plan, shall—
- (i) summarise the issues raised in the observations or submissions, 40

- including recommendations, made by the Office in relation to the Office's evaluation and assessments under subsection (1),
- (ii) outline the recommendations of the chief executive in relation to the manner in which those issues and recommendations should be addressed, taking account of the proper planning and sustainable development of the area, and 5
 - (iii) make the report available on the website of the planning authority as soon as practicable following submission to the members of the authority.
- (5) A regional assembly shall send to the Office, a copy of— 10
- (a) any observation or submissions, including recommendations, it makes to a planning authority under section 27A(1) in respect of the review of an existing development plan,
 - (b) any observation or submissions, including recommendations, it makes to a planning authority under section 27B(1) in respect of a draft development plan, 15
 - (c) any observation or submissions, including recommendations, it makes to a planning authority under section 27C(1) in respect of a proposed variation in a development plan.
- (6) A planning authority shall notify the Office within 5 working days of the making of a development plan or a variation to a development plan and send a copy of the written statement and maps as duly made and where the planning authority— 20
- (a) decides not to comply with any recommendations made in the relevant report of the Office, or 25
 - (b) otherwise make the plan in such a manner as to be inconsistent with any recommendation made by the Office,
- then the chief executive shall inform the Office accordingly in writing, which notice shall state reasons for the decision of the planning authority. 30
- (7) Where paragraph (a) or (b) of subsection (6) applies, the Office shall consider whether or not the development plan as made, or the variation of it, by the planning authority is, in the Office's opinion, consistent with any recommendations made by the Office.
- (8) Where subsequent to any consideration for the purposes of subsection (7), the Office is of the opinion that— 35
- (a) the development plan or the variation of it, as the case may be, has not been made in a manner consistent with the recommendations of the Office,
 - (b) that the decision of the planning authority concerned results in the making of a development plan, or its variation, in a manner that fails to set out an overall strategy for the proper planning and 40

sustainable development of the area concerned, and

- (c) as a consequence of paragraphs (a) and (b), the use by the Minister of his or her functions to issue a direction under section 31 would be merited,

then the Office shall issue, no later than 4 weeks after the development plan or the variation to the development plan is made, a notice to the Minister containing— 5

- (i) recommendations that the Minister exercise his or her function to take such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure that the development plan, or the development plan as varied by the planning authority, sets out an overall strategy for proper planning and sustainable development, and 10
- (ii) a proposed draft of a direction to which paragraph (c) would relate.

- (9) A copy of the notice issued to the Minister under subsection (8) shall be made available by the Office on its website. 15

Consequential provisions to section 31AM

31AN. (1) The Minister shall consider the recommendations of the Office in the notice issued under section 31AM and—

- (a) where the Minister agrees with that notice, then the Minister shall proceed, pursuant to section 31, to issue a notice for the purposes of subsections (3) and (4) of that section having taken account of the proposed draft direction submitted by the Office, or 20

- (b) where the Minister does not so agree with the Office, then the Minister shall— 25

- (i) prepare a statement in writing of his or her reasons for not agreeing,
- (ii) cause that statement to be laid before each House of the Oireachtas, and

- (iii) as soon as practicable, make that statement available on the website of the Department of Housing, Planning, Community and Local Government. 30

- (2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office and to the planning authority concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites. 35

- (3) Where the Minister issues a notice under section 31 for the purposes of subsections (3) and (4) of that section—

- (a) the notice shall specify that the report of the chief executive on the submissions on the draft direction shall be made to the Office, and 40

- (b) the chief executive shall act accordingly.
- (4) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall recommend to the Minister that he or she issue the direction with or without minor amendments or where the Office is of the opinion that—
 - (a) a material amendment to the draft direction may be required,
 - (b) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or
 - (c) it is necessary for any other reason,
 then the Office may, for stated reasons, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the chief executive's report.
- (5) An inspector appointed under subsection (4) shall—
 - (a) be a person who, in the opinion of the Office, has satisfactory experience and competence to perform the functions required of him or her under this section, and
 - (b) be independent in the performance of those functions.
- (6) The inspector—
 - (a) shall review the draft direction, the report of the chief executive furnished and any submissions made,
 - (b) shall consult with the chief executive and elected members of the planning authority,
 - (c) may consult with the regional assembly and persons who made submissions,
 - (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Office.
- (7) Copies of the report of the inspector under subsection (6) shall—
 - (a) be furnished without delay by the Office to the chief executive and, where relevant, to the regional assembly,
 - (b) be made available electronically, in such manner as the Office considers appropriate in the circumstances, to persons who made submissions.
- (8) Any person to whom a copy of the report of the inspector has been furnished or made available may make a submission to the Office in relation to any matter referred to in the report no later than 10 days after—
 - (a) where subsection (7)(a) applies, the report was furnished to him or her, or

- (b) where subsection (7)(b) applies, the report was made available to him or her.
- (9) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Office may decide) after receipt of the report of the inspector, or of any submissions made to him or her, the Office, having considered the report, recommendations or submissions, as the case may be, shall recommend to the Minister for stated reasons— 5
- (a) to issue the direction,
- (b) not to issue the direction, or 10
- (c) to issue the direction, which has been amended by the Office to take account of any of the following matters as the Office considers appropriate:
- (i) recommendations contained in the report of the inspector;
- (ii) any submissions made, 15
- and, where paragraph (a) or (c) applies and the Minister agrees with the recommendation, then he or she shall issue the direction under section 31 with or without minor amendments.
- (10) A copy of the recommendations to the Minister under subsection (9), the report of the inspector and any submissions made shall be made available on the website of the Office and be sent to the relevant planning authority. 20
- (11) The direction issued by the Minister under section 31 is deemed to have immediate effect and its terms are considered to be incorporated into the plan or, if appropriate, to constitute the plan. 25
- (12) The Minister shall cause a copy of a direction issued to be laid before each House of the Oireachtas.
- (13) As soon as may be after a direction is issued to a planning authority under this section, the planning authority shall make the direction so issued available to members of the public, during normal office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the website of the planning authority or otherwise in electronic form. 30
- (14) A copy of the direction issued by the Minister under section 31 shall be copied to the Office and made available on its website. 35
- (15) The Minister shall publish a copy of the direction issued under section 31 on the website of the Department of Housing, Planning, Community and Local Government.
- Evaluation and assessment by Office of matters relating to local area plans**
- 31AO.** (1) The Office shall evaluate and assess, at least at a strategic level— 40
- (a) a notice given under subsection (3)(a)(i) of section 20 by a

- planning authority to that Office of a proposal to make, amend or revoke a local area plan for the purposes of that section,
- (b) a notice sent to that Office under subsection (3)(e) of section 20 by a planning authority relating to a material alteration to a local area plan (including, where sent, a copy of the proposed material alteration) for the purposes of that section, 5
- and the Office may make such submissions or observations, recommendations or reports as provided for by the relevant provision.
- (2) In assessing and evaluating any requirement to which subsection (1) relates, the Office shall endeavour to ensure that, where appropriate, it addresses the legislative and policy matters relating to the following: 10
- (a) matters generally within the scope of section 19;
- (b) consistency with the objectives of the relevant development plan, its core strategy, any regional spatial and economic strategy that applies to the area and the transport strategy of the National Transport Authority; 15
- (c) relevant guidelines for planning authorities made under section 28;
- (d) policy directives issued under section 29;
- (e) such other matters as the Minister may prescribe under section 262 or otherwise prescribe. 20
- (3) In making observations or submissions for the purposes of the provisions referred to in subsection (1), or observations or submissions in respect of any evaluation or assessment to which subsection (2) relates, the Office shall—
- (a) make to the relevant planning authority such recommendations in relation to the Office’s evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant planning authority in the discharge of its development planning functions, and 25
- (b) send to the Minister a copy of any such observations or submissions, together with any recommendations made. 30
- (4) The report of the chief executive of the planning authority prepared for the elected members under section 20, in respect of the preparation, amendment or revocation of a local area plan, shall—
- (a) summarise the issues raised in the submissions or observations, including recommendations, made by the Office in relation to the Office’s evaluation and assessments under subsection (1), 35
- (b) outline the recommendations of the chief executive in relation to the manner in which those issues and recommendations should be addressed, taking account of the proper planning and sustainable development of the area, and 40

- (c) make the report available on the website of the planning authority following the decision of the elected members.
- (5) A planning authority shall notify the Office within 5 working days of the making of a local area plan or an amendment to a local area plan and send a copy of the written statement and maps as made and where the planning authority— 5
- (a) decides not to comply with any recommendations made in the relevant report of the Office, or
- (b) otherwise make the plan in such a manner as to be inconsistent with any recommendation made by the Office, 10
- then the chief executive shall inform the Office accordingly in writing, which notice shall state reasons for the decision of the planning authority.
- (6) Where paragraph (a) or (b) of subsection (5) applies, the Office shall consider whether or not the local area plan as made, amended or revoked by the planning authority is, in the opinion of the Office, consistent with any recommendations made by the Office. 15
- (7) Where subsequent to any consideration for the purposes of subsection (6), the Office is of the opinion that—
- (a) the local area plan has not been made, amended or revoked, as the case may be, in a manner consistent with the recommendations of the Office, 20
- (b) that the decision of the planning authority concerned results in the making of a local area plan, or its amendment or revocation, as the case may be, in a manner that is inconsistent with the development plan of the area concerned, and 25
- (c) as a consequence of paragraphs (a) and (b), the use by the Minister of his or her functions to issue a direction under section 31 would be merited,
- then the Office shall issue, no later than 4 weeks after the local area plan has been made, amended or revoked, as the case may be, a notice to the Minister containing— 30
- (i) recommendations that the Minister exercise his or her function to take such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure that the local area plan, or the local area plan as varied by the planning authority, sets out an overall strategy for proper planning and sustainable development, and 35
- (ii) a proposed draft of a direction to which paragraph (c) would relate.
- (8) A copy of the notice issued to the Minister under subsection (7) shall be made available by the Office on its website. 40

Consequential provisions to section 31AO

- 31AP.** (1) The Minister shall consider the recommendations of the Office in the notice issued under section 31AO, and—
- (a) where the Minister agrees with that notice then the Minister shall proceed, pursuant to section 31, to issue a notice for the purposes of subsections (3) and (4) of that section having taken account of the proposed draft direction submitted by the Office, or 5
 - (b) where the Minister does not so agree with the Office, then the Minister shall—
 - (i) prepare a statement in writing of his or her reasons for not agreeing, 10
 - (ii) cause that statement to be laid before each House of the Oireachtas, and
 - (iii) as soon as practicable, make that statement available on the website of the Department of Housing, Planning, Community and Local Government. 15
- (2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office and to the planning authority concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites. 20
- (3) Where the Minister issues a notice under section 31 for the purposes of subsections (3) and (4) of that section—
- (a) the notice shall specify that the chief executive's report on the submissions on the draft direction shall be made to the Office, and 25
 - (b) the chief executive shall act accordingly.
- (4) The Office shall consider the chief executive's report on the submissions, together with any submission made under section 31(10), and shall recommend to the Minister that he or she issue the direction with or without minor amendments or where the Office is of the opinion that— 30
- (a) a material amendment to the draft direction may be required,
 - (b) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or
 - (c) it is necessary for any other reason, 35
- then the Office may, for stated reasons, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the report of the chief executive.
- (5) An inspector appointed under subsection (4) shall—
- (a) be a person who, in the opinion of the Office, has satisfactory experience and competence to perform the functions required of 40

- him or her under this section, and
- (b) be independent in the performance of those functions.
- (6) The inspector—
- (a) shall review the draft direction, the report of the chief executive furnished and any submissions made, 5
- (b) shall consult with the chief executive and elected members of the planning authority,
- (c) may consult with the regional assembly and persons who made submissions, and
- (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Office. 10
- (7) Copies of the report of the inspector under subsection (6) shall—
- (a) without delay be furnished by the Office to the chief executive and, where relevant, to the regional assembly, and
- (b) be made available electronically, in such manner as the Office considers appropriate in the circumstances, to persons who made submissions. 15
- (8) Any person to whom a copy of the report of the inspector has been furnished or made available may make a submission to the Office in relation to any matter referred to in the report no later than 10 days after— 20
- (a) where subsection (7)(a) applies, the report was furnished to him or her, or
- (b) where subsection (7)(b) applies, the report was made available to him or her. 25
- (9) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Office may decide) after receipt of the report of the inspector, or of any submissions made to him or her, the Office, having considered the report, recommendations or submissions, as the case may be, shall recommend to the Minister for stated reasons— 30
- (a) to issue the direction,
- (b) not to issue the direction, or
- (c) to issue the direction, which has been amended by the Office to take account of any of the following matters as the Office considers appropriate: 35
- (i) recommendations contained in the report of the inspector;
- (ii) any submissions made,
- and, where paragraph (a) or (c) applies and the Minister agrees with

the recommendation, then he or she shall issue the direction under section 31 with or without minor amendments.

- (10) A copy of the recommendations to the Minister under subsection (9), the report of the inspector and any submissions made shall be made available on the website of the Office and be sent to the relevant planning authority. 5
- (11) The direction issued by the Minister under section 31 is deemed to have immediate effect and its terms are considered to be incorporated into the plan or, if appropriate, to constitute the plan.
- (12) The Minister shall cause a copy of a direction issued to be laid before each House of the Oireachtas. 10
- (13) As soon as may be after a direction is issued to a planning authority under this section, the planning authority shall make the direction so issued available to members of the public, during normal office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the authority's website or otherwise in electronic form. 15
- (14) A copy of the direction issued by the Minister under section 31 shall be copied to the Office and made available on its website.
- (15) The Minister shall publish a copy of the direction issued under section 31 on the website of the Department of Housing, Planning, Community and Local Government. 20

Evaluation and assessment by Office of matters relating to regional spatial and economic strategies

- 31AQ.** (1) The Office shall evaluate and assess, at a strategic level— 25
- (a) a notice given under subsection (2) of section 24 by a regional assembly to that Office for the purposes of that section of the intention of the regional assembly to make a regional spatial and economic strategy,
- (b) a notice and a copy of the draft of the regional spatial and economic strategy sent to the Office under subsection (4)(a) of section 24 by the regional assembly concerned for the purpose of that section, 30
- and the Office may make such submissions or observations as provided for by section 24. 35
- (2) In assessing and evaluating any requirement to which subsection (1) relates, the Office shall endeavour to ensure that, where appropriate, it addresses the legislative and policy matters relating to the following:
- (a) matters generally within the scope of section 23 and, in particular, subsection (2)(c)(viii) of that section in relation to climate change; 40
- (b) consistency with the regional spatial and economic strategies and the National Planning Framework (or, where appropriate, the

- National Spatial Strategy) and the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which they are made, in accordance with the principles of proper planning and sustainable development;
- (c) relevant guidelines for planning authorities made under section 28; 5
 - (d) policy directives issued under section 29;
 - (e) in respect of a regional assembly or local authorities to which the Greater Dublin Area (GDA) relates, consistency with regional spatial and economic strategies and the transport strategy of the National Transport Authority; 10
 - (f) such other matters as the Minister may prescribe under section 262 or otherwise prescribe.
- (3) In making observations or submissions for the purposes of the provisions referred to in subsection (1), or observations or submissions in respect of any evaluation or assessment to which subsection (2) relates, the Office shall— 15
- (a) make observations and recommendations to the regional assembly concerned in relation to the Office’s evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant regional assembly, and 20
 - (b) send to the Minister a copy of any such observations or submissions, together with any recommendations made.
- (4) The report of the director of the regional assembly prepared for the members of the regional assembly under Chapter III of Part II shall, in so far as it relates to the preparation of the draft regional spatial and economic strategy— 25
- (a) summarise the issues raised in the submissions or observations, including recommendations, made by the Office in relation to the Office’s evaluation and assessments under subsection (1), 30
 - (b) outline the recommendations of the director of the regional assembly in relation to the manner in which those issues and recommendations should be addressed, taking account of—
 - (i) the National Planning Framework (or, where appropriate, the National Spatial Strategy) and the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which it is made, and 35
 - (ii) the principles of proper planning and sustainable development, and
 - (c) make the report available on the website of the regional assembly. 40
- (5) A regional assembly shall notify the Office within 5 working days of

the making of a regional spatial and economic strategy and send a copy of the strategy where the regional assembly—

- (a) decides not to comply with any recommendations made in the relevant report of the Office, or
- (b) otherwise make the strategy in such a manner as to be inconsistent with any recommendations made by the Office, 5

then the director of the regional assembly shall inform the Office accordingly in writing, which notice shall state the reasons for the decision of the regional assembly.

- (6) Where paragraph (a) or (b) of subsection (5) applies, the Office shall consider whether or not the strategy as made by the regional assembly is, in its opinion, consistent with any recommendations made by the Office. 10

- (7) Where subsequent to any consideration for the purposes of subsection (6), the Office is of the opinion that— 15

- (a) the regional and spatial economic strategy has not been made in a manner consistent with the recommendations of the Office,
- (b) that the decision of the regional assembly concerned results in the making of a regional spatial and economic strategy that is inconsistent with the National Planning Framework (or, where appropriate, the National Spatial Strategy) and the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which it is made, and not in accordance with the principles of proper planning and sustainable development, and 20 25

- (c) as a consequence of paragraphs (a) and (b), the use by the Minister of his or her functions under section 31 would be merited,

then the Office shall issue, no later than 4 weeks after the regional spatial and economic strategy is made, a notice to the Minister containing— 30

- (i) recommendations that the Minister exercise his or her function to take such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure the strategy is made consistent with—

- (I) the National Planning Framework (or, where appropriate, the National Spatial Strategy), and 35

- (II) the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which it is made,

and is in accordance with the principles of proper planning and sustainable development, and 40

- (ii) a proposed draft of a direction to which paragraph (c) would

relate.

- (8) A copy of the notice issued to the Minister under subsection (7) shall be made available by the office on its website.

Consequential provisions to section 31AQ

- 31AR.** (1) The Minister shall consider the recommendations of the Office in the notice under section 31AQ and— 5
- (a) where the Minister agrees with the opinion of the Office as expressed in the notice issued under section 31AQ(7), then the Minister shall proceed, pursuant to section 31A, to issue a notice for the purposes of subsections (3) and (4) of that section, or 10
 - (b) where the Minister does not so agree with the Office, then the Minister shall—
 - (i) prepare a statement in writing of his or her reasons for not agreeing,
 - (ii) cause that statement to be laid before each House of the Oireachtas, 15
 - (iii) as soon as practicable, make that statement available on the website of the Department of Housing, Planning, Community and Local Government.
- (2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office and to the regional assembly concerned and the Office and that regional assembly shall, as soon as practicable thereafter, make it available on their respective websites. 20
- (3) Where the Minister issues a notice under section 31A for the purposes of subsection (3) or (4) of that section— 25
- (a) the notice shall specify that the report of the director of the regional assembly concerned on the submissions on the draft direction shall be made to the Office, and
 - (b) the director of the regional assembly shall act accordingly. 30
- (4) The Office shall consider the report of the director of the regional assembly concerned on the submissions, together with any submission made under section 31A(10) and shall recommend to the Minister that he or she issue the direction with or without minor amendments or where the Office believes that— 35
- (a) a material amendment to the draft direction may be required,
 - (b) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or
 - (c) it is necessary for any other reason,
- then the Office may, for stated reasons, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the 40

director's report.

- (5) The inspector appointed, under subsection (4), shall—
- (a) be a person who, in the opinion of the Office, has satisfactory experience and competence to perform the functions required of him or her under this section, and 5
 - (b) be independent in the performance of those functions.
- (6) The inspector—
- (a) shall review the draft direction, the report of the director of the regional assembly furnished and any submissions made,
 - (b) shall consult with the director and members of the regional assembly, 10
 - (c) any persons who made submissions, and
 - (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Office.
- (7) Copies of the report of the inspector under subsection (6) shall— 15
- (a) be furnished without delay by the Office to the director of the regional assembly concerned, and
 - (b) be made available electronically, in such manner as the Office considers appropriate in the circumstances, to persons who made submissions. 20
- (8) Any person to whom a copy of the report of the inspector has been furnished or made available may make a submission to the Office in relation to any matter referred to in the report no later than 10 days after—
- (a) where subsection (7)(a) applies, the report was furnished to him or her, or 25
 - (b) where subsection (7)(b) applies, the report was made available to him or her.
- (9) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Office may decide) after receipt of the report of the inspector, or of any submissions made to him or her, the Office, having considered the report, recommendations or submissions, as the case may be, shall recommend to the Minister for stated reasons— 30
- (a) to issue the direction, 35
 - (b) not to issue the direction, or
 - (c) to issue the direction, which has been amended by the Office to take account of any of the following matters as the Office considers appropriate:

- (i) recommendations contained in the report of the inspector;
 - (ii) any submissions made,
- and, where paragraph (a) or (c) applies and the Minister agrees with the recommendation, then he or shall issue the direction under section 31A with or without minor amendments. 5
- (10) A copy of the recommendations issued to the Minister under subsection (9), the report of the inspector and any submissions made shall be made available on the website of the Office and be sent to the relevant regional assembly.
 - (11) The direction issued by the Minister under section 31A is deemed to have immediate effect and its terms are considered to be incorporated into the regional spatial and economic strategy or, if appropriate, to constitute that strategy. 10
 - (12) The Minister shall cause a copy of a direction issued to be laid before each House of the Oireachtas. 15
 - (13) As soon as may be after a direction is issued to a regional assembly under this section, the regional assembly shall make the direction so issued available by placing it on the website of the assembly.
 - (14) A copy of the direction issued by the Minister under section 31A shall be copied to the Office and made available on its website. 20
 - (15) The Minister shall publish a copy of the direction issued under section 31A on the website of the Department of Housing, Planning, Community and Local Government.

CHAPTER IV

REVIEW OF PLANNING FUNCTIONS 25

Review at instigation of Office

- 31AS.**(1) Where the Office considers it necessary or appropriate in the circumstances, the Office may conduct a review of a planning authority or the Board in respect of the systems and procedures used by such authority or the Board in relation to the performance of its functions under this Act. 30
- (2) An authorised person may be appointed under section 31AW for the purposes of a review under this section.
 - (3) Where a review under this section is being conducted and, before it is completed, a request is made by the Minister to the Office under section 31AT to conduct a review under that section and such a review would include the matters to which the review under this section relates, then, where appropriate— 35
 - (a) any steps taken by the Office for the purpose of the review under this section may be regarded as steps taken for the purposes of the request of the Minister under section 31AT, 40
 - (b) the appointment by virtue of subsection (2) of an authorised person

may be deemed to be an appointment under section 31AW for the purposes of a review under section 31AT, and

- (c) it shall not be necessary to complete the review under this section.
- (4) Where a review conducted for the purposes of this section is completed, then the Office shall send a draft of the proposed report on the review together with any recommendations it makes to the planning authority concerned, the Board and the Minister, as appropriate. 5
- (5) Within such period of time as the Office shall specify, having regard to the nature, size and complexity of a draft report and any issue of urgency associated with its finalisation, the planning authority concerned, the Board or the Minister, as the case may be, may make submissions or observations to the Office on the draft report. 10
- (6) The Office shall review any submissions or observations made for the purposes of subsection (5) before finalising the report, including any recommendations, and the Office— 15
- (a) shall send a copy of the report to any person to whom the draft report was sent under subsection (4),
- (b) shall publish, or cause to be published, the report on the Office’s website, and 20
- (c) may send a copy of the report to such other persons as it considers appropriate in the circumstances.
- (7) A recommendation by the Office relating to a planning authority, which is included in a draft of a proposed report under subsection (4) or in a report under subsection (6), may, where appropriate and without prejudice to making any other recommendation, include a recommendation that the Minister consider exercising his or her functions under any of the following: 25
- (a) section 28 to issue guidelines;
- (b) section 29 to issue policy directives; 30
- (c) subsection (2) of section 255 to give a directive under that subsection;
- (d) subsection (4) of section 255 to appoint a commissioner to carry out and have full responsibility for all or any one or more of the functions of the planning authority concerned. 35

Review by Office at instigation of Minister

31AT. (1) Where the Minister has formed the opinion that a planning authority—

- (a) may not be carrying out its functions in accordance with the requirements of or under this Act,
- (b) is not in compliance with guidelines issued under section 28, a policy directive issued under section 29, a direction issued under 40

section 31 or a directive issued under section 255(2),

- (c) may not be exercising its enforcement functions under Part VIII appropriately to ensure compliance in its administrative area with the *Planning and Development Acts 2000 to 2018*, including enforcement consequent on the issue to it of any policy directive under section 29 for the purpose of such compliance, 5
 - (d) may be applying inappropriate standards of administrative practice or otherwise acting contrary to fair or sound administration in the conduct of its functions,
 - (e) may be applying systemic discrimination in the conduct of its functions, 10
 - (f) may be operating in a manner whereby there is impropriety or risks of corruption in the conduct of its functions, or
 - (g) may be operating in a manner whereby there are serious diseconomies or inefficiencies in the conduct of its functions, 15
- then the Minister may request the Office to conduct a review of the organisation and the systems and procedures used in relation to the performance of functions under this Act by—
- (i) the planning authority concerned, or
 - (ii) where relevant, the planning authority concerned and, in so far as it relates to that authority, the Board. 20
- (2) Where a request has been made by the Minister to the Office under subsection (1), the Office shall conduct a review under this Chapter and, for that purpose, an authorised person may be appointed under section 31AW. 25
 - (3) Where a review conducted for the purposes of this section is completed, then the Office shall send a draft of the proposed report on the review together with any recommendations it makes to the planning authority concerned, the Board and the Minister, as appropriate. 30
 - (4) Within such period of time as the Office shall specify, having regard to the nature, size and complexity of a draft report and any issue of urgency associated with its finalisation, the planning authority concerned, the Board or the Minister, as the case may be, may make submissions or observations to the Office on the draft report. 35
 - (5) The Office shall review any submissions or observations made for the purposes of subsection (4) before finalising the report, including any recommendations, and the Office—
 - (a) shall send a copy of the report to any person to whom the draft report was sent under subsection (4), 40
 - (b) shall publish, or cause to be published, the report on the Office’s website, and

- (c) may send a copy of the report to such other persons as it considers appropriate to send it to in the circumstances.
- (6) A recommendation by the Office relating to a planning authority, which is included in a draft of a proposed report under subsection (3) or in a report under subsection (5), may, where appropriate and without prejudice to making any other recommendation, include a recommendation that the Minister consider exercising his or her functions under any of the following:
 - (a) section 28 to issue guidelines;
 - (b) section 29 to issue policy directives;
 - (c) subsection (2) of section 255 to give a directive under that subsection;
 - (d) subsection (4) of section 255 to appoint a commissioner to carry out and have full responsibility for all or any one or more of the functions of the planning authority concerned.

Complaint to Office in respect of planning authority

31AU. (1) The Office may examine—

- (a) complaints made by any person to the Office, or
 - (b) where requested by the Minister, complaints made by a person to the Minister,
- in respect of a planning authority where such complaint relates to the organisation of the authority and of the systems and procedures used by it in relation to the performance of its functions under this Act.
- (2) Where in respect of a complaint to which subsection (1) relates the Office has formed the opinion, having carried out a preliminary examination of the complaint and having regard to any relevant information, records or documents available to it, that an examination into the complaint would be warranted and that the planning authority concerned—
 - (a) may not be carrying out its functions in accordance with the requirements of or under this Act,
 - (b) is not in compliance with guidelines issued under section 28, a directive issued under section 29, or a direction issued under section 31,
 - (c) may be applying inappropriate standards of administrative practice or otherwise acting contrary to fair or sound administration in the conduct of its functions,
 - (d) may be applying systemic discrimination in the conduct of its functions,
 - (e) may be operating in a manner whereby there is impropriety or the risk of corruption in the conduct of its functions, or

- (f) may be operating in a manner whereby there are serious diseconomies or inefficiencies in the conduct of its functions,
- then the Office shall decide to undertake an examination or to prepare a report on the preliminary examination (including any recommendations) and, where an examination is undertaken, prepare a report on the examination (including any recommendations) and, accordingly, the Office shall as it considers it appropriate in the circumstances—
- (i) submit the report concerned to the planning authority or the Minister or to both, or
- (ii) submit the report concerned or complaint, including any relevant information, records or documents available to one or more of the following:
- (I) the Ombudsman;
- (II) the Standards in Public Office Commission;
- (III) the Garda Síochána;
- (IV) such other State authority as may be prescribed.
- (3) A recommendation by the Office relating to a planning authority, which is included in a report under subsection (2) may include a recommendation that the Minister consider exercising his or her functions under any of the following:
- (a) section 28 to issue guidelines;
- (b) section 29 to issue policy directives;
- (c) subsection (2) of section 255 to give a directive under that subsection;
- (d) subsection (4) of section 255 to appoint a commissioner to carry out and have full responsibility for all or any one or more of the functions of the planning authority concerned.
- (4) Where upon a preliminary examination of a complaint, the Office is of the opinion that a complaint received by it is not one to which subsection (1) relates, then it shall cease to examine it for the purposes of the other provisions of this section but may, if the Office considers it appropriate in the circumstances, refer it to, or refer the complainant to, the Minister or a body to which subsection (2)(ii) relates.
- (5) The Office may—
- (a) having carried out a preliminary examination of a complaint to which subsection (1) relates, decide not to carry out an examination under this section into any matter in respect of which a complaint is made, or
- (b) decide not to conduct a preliminary examination, or to discontinue a preliminary examination, under this section into such matter if the

Office forms the opinion that—

- (i) the complaint cannot be substantiated or appears to the Office to be trivial or vexatious in nature,
 - (ii) the person making the complaint, or the person in respect of whom the complaint was made, does not appear to have any interest in the subject matter to which the complaint was made, 5
 - (iii) the person making the complaint has not taken reasonable steps to pursue the subject matter of the complaint with the planning authority concerned,
 - (iv) the person making the complaint has not exhausted any appeal or review procedures open to him or her in respect of the subject matter of the complaint, or 10
 - (v) legal proceedings have been instituted in respect of the subject matter of the complaint.
- (6) Where the Office makes a decision under subsection (5) it shall in writing inform the person who made the complaint of the reasons for the Office's decision. 15
- (7) In determining whether to initiate, continue or discontinue a review or examination under this section, the Office of the Planning Regulator shall be subject to the provisions of this section. 20
- (8) An examination by the Office of the Planning Regulator shall not, of itself, affect the validity of the matter examined or any power or duty of the performance of the function of the planning authority or the Board under this Act to exercise further functions of the planning authority or the Board under this Act with respect to any matters the subject of the examination. 25
- (9) The Office shall not exercise any of its functions in relation to any particular case with which a planning authority or the Board is either involved or could be involved.

Information and records to be made available to Office 30

- 31AV.** (1) The Office as part of its review or examination may request from a planning authority or the Board access to such information, records or documents relating to the performance by the planning authority or the Board of its functions.
- (2) Where the Office conducts a review or examination, the planning authority or the Board shall co-operate and comply with any request of the Office in relation to all or any of the matters which are the subject of the review or examination. 35
- (3) It is the duty of each member of a planning authority or the Board, and each member of its staff, to co-operate with the Office. 40

Access to information (Part IIB)

- 31AW.** (1) The Office may appoint any person (in this section referred to as an

‘authorised person’) to carry out a review or examination authorised by this Chapter.	
(2) The planning authority or the Board shall supply the authorised person with such information, records, or documents relating to the performance by the planning authority or the Board of its functions as the authorised person may from time to time request.	5
(3) An authorised person appointed for the purposes of this section, accompanied by such other persons as he or she considers appropriate in the circumstances, is entitled at all reasonable times to enter and inspect any land or premises or structure (other than a dwelling) which is owned, used, controlled or managed by a planning authority or the Board and shall be afforded every facility and co-operation by the planning authority (its chief executive and staff) or the Board including the giving of information which he or she reasonably requires and shall have access to all documents, records, or other information which he or she may reasonably require and shall be afforded facilities to make notes from, or to take copies of, any such documents or records.	10 15
Offences (Part IIB)	
31AX. (1) Any person who—	20
(a) commits an offence under section 31AD, or	
(b) obstructs or impedes or, without reasonable excuse, fails to comply with a request of—	
(i) the Planning Regulator or a member of the staff of the Office, or	
(ii) an authorised person, including any other person to whom section 31AW(3) relates,	25
acting in the exercise of functions to which section 31AW(2) relates commits an offence,	
and is liable on summary conviction to a Class C fine or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both.	30
(2) Summary proceedings for an offence under this section may be brought by the Office of the Planning Regulator.”.	

PART 3

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO PLANNING AND DEVELOPMENT ACTS 2000 TO 2016	35
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Office of the Planning Regulator and amendments to Part II of Principal Act

5. The provisions of Part II of the Principal Act referred to in *column (2)* of *Schedule 1* are amended in the manner referred to in *column (3)* of that Schedule opposite the reference in *column (2)* to the provision concerned.

References to manager, etc., in Principal Act

6. (1) References, however expressed, in the Principal Act to the manager of a local authority or the manager of a planning authority are amended to chief executive of a local authority or chief executive of a planning authority, as the case may be, and for that purpose the provisions of that Act referred to in *column (2)* of *Schedule 2* are amended in the manner referred to in *column (3)* of that Schedule opposite the reference in *column (2)* to the provision concerned. 5
- (2) The reference in section 147(13) of the Principal Act to “assistant manager” is amended in the manner set out in *Schedule 2*.

Amendment of section 7 (planning register) of Principal Act

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7. Section 7 of the Principal Act is amended in subsection (2) by substituting the following for paragraph (e):

“(e) the complete decision of the planning authority in respect of any such application, including any conditions imposed and the date of the decision, together with such further points of detail as are agreed, or deemed to have been agreed, under section 34(5), between the planning authority and the person carrying out the development,”. 15

National Planning Framework

8. (1) The Principal Act is amended in Part II by inserting the following Chapter after Chapter II: 20

“CHAPTER IIA

NATIONAL PLANNING FRAMEWORK

National Planning Framework

- 20A.** The National Spatial Strategy, as amended having regard to the provisions of this Chapter including any document published by the Government which amends or replaces that Strategy or such subsequent document, shall be known as the National Planning Framework. 25

Objective of National Planning Framework

- 20B.** The objectives of the National Planning Framework are— 30
- (a) to establish a broad national plan for the Government in relation to the strategic planning and sustainable development of urban and rural areas,
- (b) to secure balanced regional development by maximising the potential of the regions, and support proper planning and sustainable development, and 35
- (c) to secure the co-ordination of regional spatial and economic strategies and city and county development plans.

Matters to be addressed in National Planning Framework

- 20C.** (1) Any document, published after the commencement of this Chapter, 40

that amends or replaces the National Spatial Strategy or thereafter revises or replaces the National Planning Framework shall address the matters set out in subsection (2)—

- (a) for the purposes of the objectives of the National Planning Framework, and 5
 - (b) in respect of a period that is not less than 10 years nor more than 20 years after such publication or in any revision or replacement of the National Planning Framework.
- (2) The matters referred to in subsection (1) are as follows:
- (a) the identification of nationally strategic development requirements as respects cities, towns and rural areas in relation to employment, future population change, and associated housing and commercial development requirements; 10
 - (b) the indication of national infrastructure priorities to address the strategic development requirements referred to in paragraph (a) as regards transportation (including public transportation), water services, waste management, energy and communications networks and the provision of educational, health care, retail, cultural and recreational facilities; 15
 - (c) the promotion of co-ordination of development between the terrestrial and marine sectors, having regard to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning², and of any measures taken by the State to give effect to that Directive; 20 25
 - (d) the conservation of the environment and its amenities, including the landscape and archaeological, architectural and natural heritage;
 - (e) the promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to reduce anthropogenic greenhouse gas emissions and to address the necessity of adaptation to climate change; 30
 - (f) the documents to which subsection (3) relates.
- (3) The National Planning Framework shall—
- (a) have regard to the document entitled “EDSP – European Spatial Development Perspective Towards Balanced and Sustainable Development of the Territory of the European Union” which was adopted on 11 May 1999 at Potsdam at the close of an Informal Council of EU Ministers responsible for spatial planning in Member States at Potsdam, 10 and 11 May 1999, and 35
 - (b) shall take account of the provisions of the Regional Development Strategy 2035 published by the Northern Ireland Department for Regional Development and any document that amends or replaces a 40

² OJ No. L 257 of 28 August 2014, p. 135

document to which this paragraph relates.

- (4) The Government shall prepare and publish the National Planning Framework and keep its implementation under review.
- (5) Every 6 years after the date of publication of the National Planning Framework, the Government shall either— 5
- (a) revise the Framework or replace it with a new one, or
 - (b) publish a statement explaining why the Government has decided not to revise the Framework and include in the statement an indication of a date by which it will be revised or a new National Planning Framework will be published. 10
- (6) Provision shall be made by the Minister for public consultation in the preparation of a new or revised National Planning Framework including arrangements for consultation with—
- (a) regional assemblies,
 - (b) local authorities, 15
 - (c) the Board,
 - (d) bodies prescribed under planning regulations for the purposes of public consultation on plan-making, and
 - (e) the Northern Ireland Department for Regional Development, where that Department agrees to such consultation being undertaken with it. 20
- (7) The preparation of the National Planning Framework shall be subject to the provisions of relevant EU Environmental Directives including the Strategic Environmental Assessment (SEA) and Habitats (Appropriate Assessment) Directive. 25
- (8) The Government shall submit the draft of the revised or new National Planning Framework, together with the Environmental Report and Appropriate Assessment Report for the approval of each House of the Oireachtas before it is published.
- (9) In preparing or revising the National Planning Framework, the Government shall have regard to any resolution or report of, or of any committee of, the Oireachtas that is made, during the period for consideration, as regards the proposed strategy or, as the case may be, the Framework as proposed to be revised.”. 30
- (2) For the purposes of the amendment provided for by *subsection (1)*, the provisions of the Acts set out in *columns (2) and (3) of Schedule 3* are amended in the manner referred to in *column (4) of that Schedule* opposite the reference in *columns (2) and (3)* to the Act and provision concerned respectively. 35

Publication of certain documents on website of planning authorities

9. For the purpose of the publication of certain documents on the websites of planning 40

authorities, sections 9, 11, 12, 13 and 20 of the Principal Act are amended in the manner referred to in *column (3)* of *Schedule 4* opposite the reference in *column (2)* of that Schedule to the section concerned.

Amendment of section 33 (regulations regarding applications for permission) of Principal Act 5

10. Section 33 of the Act of 2000 is amended in subsection (2)—

(a) by inserting the following after paragraph (c):

“(ca) providing for the waiving or reduction of a fee to which paragraph (c) would relate, or the payment of a different fee, in respect of submissions or observations made by a person in his or her capacity as a member of a local authority;” 10

and

(b) by inserting the following after paragraph (k):

“(ka) facilitating the making and processing by electronic means of—

(i) planning applications, appeals, referrals, applications for approval, submissions and consents under this Act, and 15

(ii) the payment of fees, the issuing of decisions and setting out of requirements to which subparagraph (i) relates;

(kb) requiring the inputting of data by planning authorities into such databases or national planning systems as may be prescribed by the Minister;” 20

Amendment of section 34 (permission for development) of Principal Act

11. (1) Section 34 of the Principal Act is amended in subsection (2)(a) by deleting “and” in subparagraph (v) and by inserting the following after subparagraph (v):

“(va) previous developments by the applicant which have not been satisfactorily completed, 25

(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and”.

(2) Section 34 of the Principal Act is amended in subsection (3) by substituting “the applicant, and” for “the applicant.” in paragraph (b) and by inserting the following after paragraph (b): 30

“(c) where an application for permission relates to a residential development comprising 10 or more houses—

(i) any information available to the planning authority, or furnished to it by the applicant, concerning implementation by the applicant of any housing development in the previous 5 years, and 35

- (ii) an assessment by the planning authority of the likelihood of the proposed development being implemented within the appropriate period sought, being the appropriate period within the meaning provided for by section 40(3).”.
- (3) Section 34 of the Principal Act is amended in subsection (4)(g) by substituting “the giving and maintaining of adequate security” for “the giving of adequate security”. 5
- (4) Section 34 of the Principal Act is amended by substituting the following for subsection (5):
 - “(5) The conditions under subsection (1) may provide that points of detail relating to a grant of permission be agreed between the planning authority and the person carrying out the development and, accordingly— 10
 - (a) where for that purpose that person has submitted to the planning authority concerned such points of detail, then that authority shall, within 8 weeks of those points being so submitted, or such longer period as may be agreed between them in writing, either— 15
 - (i) reach agreement with that person on those points, or
 - (ii) where that authority and that person cannot so agree on those points, that authority may—
 - (I) advise that person accordingly in writing, or 20
 - (II) refer the matter to the Board for its determination,
 - and, where clause (I) applies, that person may, within 4 weeks of being so advised, refer the matter to the Board for its determination,
 - or 25
 - (b) where none of the events referred to in subparagraph (i) or in clause (I) or (II) of subparagraph (ii) occur within those 8 weeks or such longer period as may have been so agreed, then that authority shall be deemed to have agreed to the points of detail as so submitted.”. 30
- (5) Section 34 of the Principal Act is amended in subsection (6)—
 - (a) in paragraph (a)(i) by inserting “or local area plan, as the case may be,” after “development plan”,
 - (b) in paragraph (a)(ii), by inserting the following after clause (I):
 - “(IA) the regional assembly for the area in which the planning authority is situated,” 35
 - and
 - (c) by inserting the following after paragraph (b):
 - “(ba) Where a resolution referred to in paragraph (a) has been passed by a planning authority in accordance with paragraph (b), the planning 40

authority shall—

- (i) send to the regional assembly for the area and the Office of the Planning Regulator a copy of the notice under paragraph (a) that relates to the resolution, and
- (ii) at the same time, inform the regional assembly for the area and the Office of the Planning Regulator in writing that the resolution was passed.”.

(6) Section 34 of the Principal Act is amended in subsection (10) by substituting “chief executive” for “manager”.

Amendment of section 35 (refusal of planning permission for past failures to comply) of Principal Act 10

12. Section 35 of the Principal Act is amended in subsection (7) by inserting the following after paragraph (b):

“(ba) a registered society under the Industrial and Provident Societies Acts 1893 to 2014 that— 15

- (i) carried out a development pursuant to a previous permission,
- (ii) carried out a substantial unauthorised development, or
- (iii) has been convicted of an offence under this Act,

or, during any period to which subparagraph (i) or (ii) relates or to which any conviction under subparagraph (iii) relates, the registered society was, during that period, controlled by the applicant— 20

(I) where, pursuant to section 15 of the Friendly Societies and Industrial and Provident Societies (Miscellaneous Provisions) Act 2014, ‘control’ has the same meaning as in section 220(5) of the Companies Act 2014, or 25

(II) as a shadow director within the meaning of section 2(1) of the Companies Act 2014.”.

Amendment of section 38 (availability of documents relating to planning applications) of Principal Act 30

13. Section 38 of the Principal Act is amended by substituting the following for subsection (1) other than paragraphs (a) to (e):

“(1) Where a planning authority gives its decision in respect of a planning application the following documents shall be made available by the authority within 3 working days by placing the documents on its website, and may also make available such documents both in electronic form and for inspection and purchase by members of the public during office hours:”.

Power to vary appropriate period, etc.

14. (1) The Principal Act is amended by substituting the following for section 41:

“Power to vary appropriate period

41. (1) Without prejudice to the powers conferred on them by this Part to grant a permission to develop land for a limited period only, in deciding to grant a permission under section 34, 37, 37G or 37N, a planning authority or the Board, as may be appropriate, may, having regard to the nature and extent of the relevant development and any other material consideration, specify the period during which the permission is to have effect, being a period—

(a) in the case of all development requiring permission, of not less than 2 years, and

(b) in the case of residential development requiring permission, of not more than 10 years,

and where the planning authority or the Board exercises, or refuses to exercise, the power conferred on it by this section, the exercise or refusal shall be regarded as forming part of the relevant decision of the authority or the Board under section 34, 37, 37G or 37N.

(2) Where an application for permission relates to a residential development comprising 10 or more houses—

(a) material considerations in subsection (1) may include any information available to the planning authority or furnished to it by the applicant concerning implementation by the applicant of any housing development in the previous 5 years, and

(b) an assessment by the planning authority of the likelihood of the proposed development being implemented within the appropriate period sought, being the appropriate period within the meaning provided for by section 40(3).”.

(2) Section 42A of the Principal Act is repealed.

Development contributions and supplementary development contribution schemes

15. (1) Section 48 (which relates to development contributions) of the Principal Act is amended—

(a) in subsection (3A) (inserted by the Urban Regeneration and Housing Act 2015) by substituting the following for paragraph (b);

“(b) where the development comprises houses and one or more of those houses has not been rented, leased, occupied or sold,”

and

(b) by substituting the following for subsection (3B) (as so inserted):

“(3B) Where a development referred to in subsection (3A) comprises houses one or more of which has not been rented, leased, occupied or sold the

planning authority shall apply the change in the basis for the determination of the contribution referred to in that subsection only in respect of any house or houses that have not been rented, leased, occupied or sold.”.

(2) Section 48 (which relates to development contributions) of the Principal Act is amended in subsection (17)— 5

(a) by substituting the following for paragraph (c):

“(c) the provision of roads, car parks, car parking places, surface water sewers and flood relief work, and ancillary infrastructure,”,

and

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(b) by substituting the following for paragraph (e):

“(e) the refurbishment, upgrading, enlargement or replacement of roads, car parks, car parking places, surface water sewers, flood relief work and ancillary infrastructure,”.

(3) Section 49 (which relates to supplementary development contribution schemes) of the Principal Act is amended in subsection (7) by substituting the following for paragraph (c): 15

“(c) the provision of new surface water sewers and ancillary infrastructure,”.

Amendment of section 144 (fees payable to Board) of Principal Act

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16. Section 144 of the Principal Act is amended in subsection (1A) (inserted by the Planning and Development (Amendment) Act 2010) by inserting the following paragraph after paragraph (a)—

“(aa) an appeal to the Board under Part 2 of the Urban Regeneration and Housing Act 2015;”.

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Amendment of section 162 (evidence of permission) of Principal Act

17. Section 162 of the Principal Act is amended in subsection (2) by substituting “section 34(12C)” for “section 34(12)”.

Amendment of section 176A (application for screening for environmental impact assessment) of Principal Act

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18. Section 176A of the Principal Act is amended in subsection (7)(a) by deleting “together with any fee received from the applicant,”.

Amendment of section 176C (review of screening determination for environmental impact assessment and referral of application for screening for environmental impact assessment) of Principal Act

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19. Section 176C of the Principal Act is amended—

(a) by inserting the following subsection after subsection (9):

“(9A) Following the notification by the Board under subsection (8), the Board shall publish its determination and the main reasons and considerations on which its determination was based, along with a notice referred to in subsection (9), on its website.”,

and

5

(b) in subsection (10) by substituting the following for paragraph (c):

“(c) make the record, and the main reasons and considerations on which its determination was based, available on its website and available for purchase and inspection during office hours.”.

Amendment of section 177S (Competent Authority) of Principal Act

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20. Section 177S of the Principal Act is amended in subsection (2) by inserting the following paragraph after paragraph (a):

“(aa) in relation to a draft National Planning Framework, the Minister.”.

Amendment of section 177T (Natura impact report and Natura impact statement) of Principal Act

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21. Section 177T of the Principal Act is amended in subsection (3) by inserting the following paragraph after paragraph (a):

“(aa) as respects a draft National Planning Framework, the Minister.”.

Amendment of section 180 (taking in charge of estates) of Principal Act

22. Section 180 of the Principal Act is amended—

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(a) in subsection (1)—

(i) by substituting “Subject to subsection (7), where a development” for “Where a development”, and

(ii) by substituting “not later than 6 months after being so requested” for “as soon as may be”,

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(b) in subsection (2)(a) by substituting “4 years” for “seven years”,

(c) in subsection (2)(b) to insert “, or a condition attached to a permission under section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016” after “section 34(4)(g)”,

(d) in subsection (2A)(a)(i) by substituting “4 years” for “seven years”,

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(e) in subsection (2A)(b) to insert “, or a condition attached to a permission under section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016” after “section 34(4)(g)”,

(f) in subsection (2A) by inserting the following after paragraph (b):

“(c) The initiation of procedures under section 11 of the Roads Act 1993 shall not preclude the planning authority concerned from pursuing, under the *Planning and Development Acts 2000 to 2018*

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or otherwise, a developer for the costs incurred by that authority in respect of works undertaken on a development to enable it to be taken in charge by that authority.”,

(g) by inserting the following after subsection (6):

“(7) This section applies to that part of a development for which permission is granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 that relates to the construction of houses and the provision of—

(a) new roads, open spaces or car parks, or

(b) sewers, water mains or service connections, within the meaning of the Water Services Act 2007,

relating to such houses and references to ‘development’ in other provisions of this section shall be read accordingly.”.

Amendment of section 208 of Principal Act

23. Section 208 of the Principal Act is amended in subsection (1) by inserting the following after “development plan”:

“or local area plan”.

Amendment of section 247 (consultations in relation to proposed development) of Principal Act

24. Section 247 of the Principal Act is amended—

(a) in subsection (1) by substituting “Subject to subsection (1A), a person who has an interest in land” for “A person who has an interest in land”,

(b) by inserting the following after subsection (1):

“(1A)(a) Subject to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016, prior to making an application to a planning authority or authorities under section 34 in respect of a development that—

(i) consists of or includes either or both residential development of more than 10 housing units or non-residential development of more than 1,000 square metres gross floor space, or

(ii) such other development as may be prescribed,

a prospective applicant shall have consulted the appropriate planning authority or authorities in whose area or areas the proposed development would be situated, comprising at least one meeting, and for that purpose—

(I) subject to paragraph (b), section 247 applies, with any necessary modifications to those consultations, and

(II) those consultations shall have regard to so much of Part V as

would be relevant to proposals that include housing development.

- (b) Consultations under section 247 in relation to proposed development referred to in paragraph (a) shall be held within 4 weeks of the date of receipt by the planning authority, or planning authorities, as the case may be, of a request by the prospective applicant for such a consultation, unless the prospective applicant requests that the period be extended by a specified period, in which case— 5
- (i) the period shall be extended by the planning authority, or planning authorities, as the case may be, by such specified period upon the first such request, and 10
 - (ii) the period may be extended, at the discretion of the planning authority or planning authorities, as the case may be, by such specified period upon a second or subsequent such request. 15
- (c) The failure by a planning authority to comply with the requirement to hold a consultation meeting for the purposes of section 247 by virtue of paragraph (b) within the time limits provided for by that paragraph shall not prevent the prospective applicant, after the expiration of the period specified in that paragraph, from making an application to a planning authority or authorities under section 34 to which the request for a consultation under paragraph (a) relates. 20
- (d) The Minister may by regulations prescribe for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of requests to which paragraph (a) relate and may be so prescribed in respect of different classes of such requests. 25
- (e) Without prejudice to the generality of paragraph (d), regulations under that paragraph may make provision for the following— 30
- (i) the manner in which requests under paragraph (a) are to be made to planning authorities,
 - (ii) requiring planning authorities to acknowledge in writing the receipt of requests under paragraph (a),
 - (iii) requiring any person making a request under paragraph (a) to furnish to the planning authority concerned any specified types of drawings, plans, documents or other information in relation to that request. 35
- (f) For the purposes of this subsection ‘gross floor space’ means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building.”, 40

and

- (c) in subsection (5) by inserting “or request for consultations” after “consultations” in both places where it occurs.

Amendment of section 248 (information to be provided in electronic form) of Principal Act 5

25. Section 248 of the Principal Act is amended—

- (a) in subsection (2)(c) by deleting “, if the person to whom the document or other information is required or permitted to be given consents to the information being given in that form”, and

- (b) in subsection (5) after “electronic form” to insert “, and may deal with applications, appeals and referrals by electronic means.”. 10

Amendment of section 255 (performance of functions by planning authorities) of Principal Act

26. Section 255 of the Principal Act is amended by inserting the following after subsection (4): 15

“(4A) In subsection (4) ‘information available to him or her’ includes any information or recommendation of the Office of the Planning Regulator having regard to—

- (a) a draft report under subsection (4) of section 31AS or, where the report has been finalised, in the report under subsection (6) of that section, 20

- (b) a draft report under subsection (3) of section 31AT or, where the report has been finalised, in the report under subsection (5) of that section,

- (c) a report on a preliminary examination under section 31AU, or 25

- (d) directions issued by the Minister on foot of recommendations from the Office under Chapter III of Part IIB.”.

Amendment of First Schedule (purposes for which objectives may be indicated in development plan) to Principal Act

27. (1) The First Schedule to the Principal Act is amended in Part III (which relates to community facilities) by inserting the following after paragraph 3: 30

“4. Regulating, restricting or controlling the development of licensed premises within the meaning of the Licensing Acts 1833 to 2011.”.

- (2) This section takes effect in respect of a new development plan of a planning authority to which *section 15(4)* will relate where the planning authority first gives notice, after the passing of the *Planning and Development (Amendment) Act 2018*, of its intention under *section 15(4)* of that Act to review its existing development plan and to prepare a new development plan for its area. 35

Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Principal Act

28. (1) The Act of 2016 is amended by inserting the following section after section 25:

“Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Act of 2000 during specified period 5

25A. The Fifth Schedule to the Act of 2000 has effect during the specified period as if in paragraph 1 ‘or section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016’ were inserted after ‘section 34(4)(g)’. ”. 10

(2) Section 1(3) of the Act of 2016 (which relates to commencement of provisions of that Act) applies to the commencement of the amendment provided for by subsection (1).

Amendment of section 3 (definitions (Chapter 1)) of Act of 2016

29. (1) Section 3 of the Act of 2016 is amended—

(a) by inserting the following definition after the definition of “consultation meeting”:

“ ‘gross floor space’ means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;” 20

and

(b) in the definition of “strategic housing development” by substituting “gross floor space” for “gross floor area” in paragraph (i). 25

(2) This section comes into operation upon the passing of this Act.

Amendment of section 5 (request for consultations before making application under section 4) of Act of 2016

30. (1) Section 5 of the Act of 2016 is amended—

(a) in subsection (4) by deleting “with the application concerned” and substituting “with the request concerned”, and 30

(b) in subsection (8)(a) by substituting “gross floor spaces” for “internal floor areas”.

(2) This section comes into operation upon the passing of this Act.

Amendment of section 6 (consideration of request under section 5 by Board and consultations) of Act of 2016 35

31. (1) Section 6 of the Act of 2016 is amended—

(a) in subsection (1)(b) by substituting “under this section” for “under paragraph (a)”,

- (b) in subsection (5)(a) by substituting “notification under subsection (4)(a)” for “receipt by the Board of the request under section 5(1)”, and
 - (c) in subsection (7) by deleting “the” before “those meetings”.
- (2) This section comes into operation upon the passing of this Act.

Amendment of section 8 (requirements relating to application for permission under section 4) of Act of 2016 5

32. (1) Section 8 of the Act of 2016 is amended—

- (a) in subsection (1)—
 - (i) by substituting “plan, or” for “plan, and” in paragraph (a)(iv)(I), and
 - (ii) by substituting “appropriate authority” for “prescribed authority” in paragraph (c),
- and
- (b) in subsection (3)(c)(iii) by deleting “prospective”.

(2) This section comes into operation upon the passing of this Act.

Amendment of section 10 (supplemental provisions to section 9) of Act of 2016 15

33. (1) Section 10 of the Act of 2016 is amended in subsection (2) by substituting the following for paragraph (a):

“(a) The Board shall publish on its website both a notice and a copy of a decision under section 9.”.

(2) This section comes into operation upon the passing of this Act. 20

Amendment of section 12 (regulations (sections 4 to 10)) of Act of 2016

34. (1) Section 12 of the Act of 2016 is amended in subsection (2) by substituting the following for paragraph (c):

“(c) the making available for inspection by members of the public, at the offices of the Board or the relevant planning authority or authorities in whose area or areas the development will be situated, and in electronic form, of any specified documents, particulars, plans or other information with respect to applications under section 4;”.

(2) This section comes into operation upon the passing of this Act. 30

Amendment of section 28 (amendment, etc., of section 42 (power to extend appropriate period) of Act of 2000) of Act of 2016

35. (1) Section 28 of the Act of 2016 is amended in subsection (2) (which provides for a construction of section 42 of the Principal Act)—

- (a) by substituting “the day preceding the day that section 28(2)” for “the day 35

preceding the day that section 28” where it occurs in the construction so provided,

(b) by substituting “expires on or after the date of commencement of section 28(2)” for “has not expired on the date of the commencement of section 28” where it occurs in the construction so provided, and 5

(c) by substituting “within the prescribed period” for “prior to the end of the expiration of the period by which the appropriate period was extended” where it occurs in the construction so provided.

(2) This section comes into operation upon the passing of this Act.

PART 4

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MISCELLANEOUS AMENDMENT

Amendment of section 33 of Water Services (No. 2) Act 2013

36. Section 33 (which relates to a water services strategic plan) of the Water Services (No. 2) Act 2013 is amended in subsection (5)(b)(i) by inserting “in line with any development plans within the meaning of the Act of 2000, in particular with the core strategy under section 10 of that Act” after the words “proper planning and sustainable development”. 15

SCHEDULE 1

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO PART II OF PLANNING AND DEVELOPMENT ACT 2000

Section 5

Reference No. (1)	Provision (2)	Amendment (3)	
1	Section 11(2)	Insert “, the Office of the Planning Regulator” after “the Minister”.	5
2	Section 12(1)(a)	Insert “, the Office of the Planning Regulator” after “the Minister”.	10
3	Section 12(4)(b)(ii)(I)	Substitute “Minister,” for “Minister; and”.	
4	Section 12(4)(b)(ii)	After clause (I), insert: “(IA) issues raised by the Office of the Planning Regulator, and”.	15
5	Section 12(5)(aa)	Insert “, or from the Office of the Planning Regulator,” after “from the Minister”.	
6	Section 12(5)(aa)	Insert “, the Office of the Planning Regulator” after “it shall so inform the Minister”.	
7	Section 12(7)(a)	Insert “the Office of the Planning Regulator,” after “the Minister,”.	20
8	Section 12(12)(c)	Insert “the Office of the Planning Regulator,” after “the Minister,”.	
9	Section 12(17)	Substitute “6 weeks” for “4 weeks”.	
10	Section 13(2)(a)	Insert “the Office of the Planning Regulator,” before “the Board”.	25
11	Section 13(4)(b)(ii)(I)	Delete “and”.	
12	Section 13(4)(b)(ii)	After clause (I), insert: “(IA) issues raised by the Office of the Planning Regulator, and”.	30
13	Section 13(5)(aa)	Insert “, or from the Office of the Planning Regulator,” after “from the Minister”.	
14	Section 13(5)(aa)	Insert “, the Office of the Planning Regulator” after “it shall so inform the Minister”.	35
15	Section 13(8)(c)	Insert “the Office of the Planning Regulator,” before “the Board”.	
16	Section 13(11)	Substitute “6 weeks” for “4 weeks”.	
17	Section 20(1)	Insert “, the Office of the Planning Regulator” after “the Minister”.	40
18	Section 20(3)(a)(i)	Insert “the Office of the Planning Regulator,” after “the Minister,”.	

19	Section 20(3)(e)	Insert “the Office of the Planning Regulator,” after “the Minister.”	
20	Section 20(4A)	Substitute “6 weeks” for “4 weeks”.	
21	Section 24(2)	Insert “the Office of the Planning Regulator,” after “the Minister.”	5
22	Section 24(4)(a)	Insert “the Office of the Planning Regulator,” after “the Minister.”	
23	Section 27A	Insert after subsection (4): “(5) A regional assembly shall send a copy of any report under this section to the Office of the Planning Regulator.”	10
24	Section 27B(4)	Insert “and the Office of the Planning Regulator” after “to the Minister”.	
25	Section 27C(4)	Insert “and the Office of the Planning Regulator” after “to the Minister”.	15
26	Section 31(1)	Substitute “a local area plan or an amendment to a local area plan” for “or a local area plan”.	
27	Section 31(1)	Substitute “then, subject to compliance with the relevant provisions of sections 31AM and 31AN or sections 31AO and 31AP, as the case may be, the Minister may” for “the Minister may”.	20
28	Section 31	Substitute for subsection (3): “(3) Before he or she issues a direction under this section, the Minister shall, no later than 6 weeks after a plan is made, issue a notice in writing to a planning authority consequent on a recommendation being made to him or her by the Office of the Planning Regulator under section 31AN(9) or 31AP(9), as the case may be.”	25 30
29	Section 31	Substitute for subsection (5): “(5) The Minister shall furnish a copy of the notice referred to in subsection (3)— (a) to the chief executive and to the Cathaoirleach of the planning authority concerned, (b) where there is a regional spatial and economic strategy in force for the area of the planning authority, to the director of the regional assembly concerned,	35 40

		<p>(c) where it concerns any matter to which Part IIB relates, to the Office of the Planning Regulator, and</p> <p>(d) where relevant, to the Dublin Transport Authority.”.</p>	5
30	Section 31(7)	<p>Substitute for paragraph (c):</p> <p>“(c) that written submissions or observations in respect of the draft direction may be made to the planning authority during such period and shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.”.</p>	10 15
31	Section 31	<p>Substitute for subsection (8):</p> <p>“(8) No later than 4 weeks after the expiry of the period referred to in subsection (7) (b), the chief executive shall prepare a report on any submissions or observations received under subsection (7)(c) which shall be furnished to the elected members of the planning authority, the Office of the Planning Regulator and the Minister.”.</p>	20 25
32	Section 31	<p>Substitute for subsection (10):</p> <p>“(10) In relation to the notice issued by the Minister under subsection (3), the elected members of the planning authority—</p> <p>(a) may make a submission to the Office of the Planning Regulator at any time up to the expiry of the period of time referred to in subsection (7)(b), and</p> <p>(b) where so submitted, shall send a copy of it to the Minister.”.</p>	30 35
33	Section 31	Delete subsections (11) to (15).	
34	Section 31	<p>Substitute for subsection (16):</p> <p>“(16) Where paragraph (a) or (c) of section 31AN(9) or paragraph (a) or (c) of section 31AP(9) applies to a matter to which this section relates, then the Minister shall issue a direction accordingly.”.</p>	40
35	Section 31	Substitute for subsection (20):	

		<p>“(20) The Minister shall—</p> <p>(a) make available on the website of the Department of Housing, Planning, Community and Local Government a direction under subsection (16), and</p> <p>(b) otherwise publish or cause to be published in such manner as he or she considers appropriate directions issued under subsection (16).”.</p>	5
36	Section 31A(1)	<p>Insert after paragraph (d):</p> <p>“(e) the Office of the Planning Regulator has issued a notice to the Minister pursuant to section 31AQ(7) in respect of a regional assembly or assemblies, as the case may be.”.</p>	10 15
37	Section 31A(1)	Substitute “then, subject to compliance with the relevant provisions of sections 31AQ and 31AR, the Minister may” for “the Minister may”.	
38	Section 31A	<p>Substitute for subsection (3):</p> <p>“(3) Before he or she issues a direction under this section, the Minister shall, no later than 6 weeks after a regional spatial and economic strategy is made, issue a notice in writing to a regional assembly or regional assemblies, as the case may be, consequent on a recommendation being made to him or her by the Office of the Planning Regulator under section 31AR(9).”.</p>	20 25
39	Section 31A	<p>Substitute for subsection (5):</p> <p>“(5) The Minister shall furnish a copy of the notice referred to in subsection (3)—</p> <p>(a) to the regional assembly or regional assemblies concerned, as the case may be,</p> <p>(b) to the Office of the Planning Regulator, and</p> <p>(c) to the Dublin Transport Authority.”.</p>	30 35
40	Section 31A(7)	Substitute for paragraph (c):	

		<p>“(c) that written submissions or observations in respect of the draft direction may be made to the regional assembly or regional assemblies, as the case may be, during such period and shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.”.</p>	5 10
41	Section 31A	<p>Substitute for subsection (8):</p> <p>“(8) No later than 4 weeks after the expiry of the period referred to in subsection (7) (b), the director shall prepare a report on any submissions or observations received under subsection (7)(c) which shall be furnished to the members of the regional assembly or regional assemblies, as the case may be, the Office of the Planning Regulator and the Minister.”.</p>	15 20
42	Section 31A	<p>Substitute for subsection (10):</p> <p>“(10) In relation to the notice issued by the Minister under subsection (3), the members of the regional assembly, or assemblies, as the case may be—</p> <p>(a) may make a submission to the Office of the Planning Regulator at any time up to the expiry of the period of time referred to in subsection (7)(b), and</p> <p>(b) where so submitted, shall send a copy of it to the Minister.”.</p>	25 30
43	Section 31A	Delete subsections (11) to (15).	
44	Section 31A	<p>Substitute for subsection (16):</p> <p>“(16) Where paragraph (a) or (c) of section 31AR(9) applies to a matter to which this section relates, then the Minister shall issue a direction accordingly.”.</p>	35
45	Section 31A	<p>Substitute for subsection (20):</p> <p>“(20) The Minister shall—</p> <p>(a) make available on the website of the Department of Housing, Planning, Community and Local Government a direction under subsection (16), and</p>	40

		(b) otherwise publish or cause to be published in such manner as he or she considers appropriate directions issued under subsection (16).”.
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SCHEDULE 2

AMENDMENTS TO PLANNING AND DEVELOPMENT ACT 2000 RELATING TO CHIEF EXECUTIVE OF LOCAL AUTHORITIES, ETC.

Section 6

Reference No. (1)	Provision (2)	Amendment (3)	
1	Section 2(1)	Delete definition of “manager”.	5
2	Section 2(1)	After definition of “chairperson” insert the following definition: “ ‘chief executive’, in relation to a local authority, including a local authority exercising functions as a planning authority, means the chief executive appointed under Chapter 2 of Part 14 (as amended by section 54 of the Local Government Reform Act 2014) of the Local Government Act 2001;	10 15
3	Section 5(6)	In paragraph (d) substitute “chief executive” for “manager”.	
4	Section 11(4)	In paragraph (a) substitute “chief executive” for “manager”.	20
5	Section 11(4)	In paragraph (b)(iii) substitute “chief executive” for “manager”.	
6	Section 11(4)	In paragraph (b)(iv) substitute “chief executive’s recommendations” for “manager’s recommendations”.	25
7	Section 11(4)	In paragraphs (bb) and (bc) substitute “chief executive” for “manager”.	
8	Section 11(4)	In paragraph (d) substitute “chief executive” for “manager” in both places where it occurs.	30
9	Section 11(5)	In paragraphs (a) and (b) substitute “chief executive” for “manager”.	
10	Section 12(4)	In paragraph (a) substitute “chief executive” for “manager”.	
11	Section 12(4)	In paragraph (b)(iii) substitute “chief executive” for “manager”.	35
12	Section 12(4)	In paragraphs (bb) and (bc) substitute “chief executive” for “manager”.	
13	Section 12(5)	In paragraphs (a) and (aa) substitute “chief executive” for “manager”.	40
14	Section 12(5)	In paragraph (b) substitute “chief executive’s report” for “manager’s report” in both places where it occurs.	
15	Section 12(6)	Substitute “chief executive’s report” for “manager’s report”.	45
16	Section 12(7)	In paragraphs (ab) and (ae) substitute “chief executive” for “manager”.	
17	Section 12(8)	In paragraph (a) substitute “chief executive” for “manager”.	

18	Section 12(8)	In paragraph (b)(iii) substitute “chief executive” for “manager”.	
19	Section 12(9)	In paragraph (a) substitute “chief executive” for “manager”.	
20	Section 12(9)	In paragraph (b) substitute “chief executive’s report” for “manager’s report” in both places where it occurs.	5
21	Section 12(10)	In paragraph (a) substitute “chief executive’s report” for “manager’s report”.	
22	Section 12(14)	In paragraph (a) substitute “chief executive” for “manager” in both places where it occurs.	10
23	Section 12(14)	In paragraph (b)(ii)(II) substitute “chief executive” for “manager”.	
24	Section 13(4)	In paragraph (a) substitute “chief executive” for “manager.”	15
25	Section 13(4)	In paragraph (b)(iii), (bb) and (bc) substitute “chief executive” for “manager”.	
26	Section 13(5)	In paragraphs (a) and (aa) substitute “chief executive” for “manager”.	
27	Section 13(5)	In paragraph (b) substitute “chief executive’s report” for “manager’s report” in both places where it occurs.	20
28	Section 13(6)	In paragraph (a) substitute “chief executive’s report” for “manager’s report”.	
29	Section 13(6)	In paragraphs (ab) and (ae) substitute “chief executive” for “manager”.	25
30	Section 15(2)	Substitute “chief executive” for “manager”.	
31	Section 16(2)	Substitute “chief executive” for “manager”.	
32	Section 16(3)	Substitute “chief executive” for “manager”.	
33	Section 19(1)	In subparagraphs (i) and (ii) of paragraph (e) substitute “chief executive” for “manager”.	30
34	Section 20(3)	In subparagraph (i) of paragraph (c) substitute “chief executive” for “manager”.	
35	Section 20(3)	In subparagraph (ii)(III) of paragraph (c) substitute “chief executive” for “manager”.	35
36	Section 20(3)	In paragraph (cc) substitute “chief executive” for “manager”.	
37	Section 20(3)	In subparagraph (i) and (ii) of paragraph (d) substitute “chief executive” for “manager” and in subparagraph (ii)(I) of that paragraph substitute “chief executive’s report” for “manager’s report”.	40
38	Section 20(3)	In paragraph (e) to substitute “chief executive’s report” for “manager’s report”.	
39	Section 20(3)	In paragraphs (g) and (i) substitute “chief executive” for “manager”.	45
40	Section 20(3)	In paragraph (k) substitute “chief executive” for “manager” in both places where it occurs.	
41	Section 20(3)	In paragraphs (l)(iii) and (m) substitute “chief executive” for “manager”.	50

42	Section 20(3)	In paragraph (n) substitute “chief executive’s report” for “manager’s report”.	
43	Section 31(2)	Substitute “chief executive” for “Manager”.	
44	Section 31(5)	Substitute “chief executive” for “manager”.	
45	Section 31(7)	Substitute “chief executive” for “manager”.	5
46	Section 31(8)	Substitute “chief executive” for “manager”.	
47	Section 31(13)	In paragraph (b) substitute “chief executive” for “manager”.	
48	Section 31(14)	Substitute “chief executive” for “manager”.	
49	Section 31A(2)	Substitute “chief executive” for “Manager”.	10
50	Section 34(10)	In paragraph (b) substitute “chief executive” for “manager”.	
51	Section 37E(5)	Substitute “chief executive” for “manager”.	
52	Section 48(6)	In paragraphs (a) and (b)(iii) substitute “chief executive” for “manager”.	15
53	Section 48(7)	Substitute “chief executive” for “manager”.	
54	Section 48(8)	In paragraphs (a) and (b) substitute “chief executive’s report” for “manager’s report” in each place where it occurs.	
55	Section 85(5)	In paragraphs (a) and (b)(iii) substitute “chief executive” for “manager”.	20
56	Section 85(6)	Substitute “chief executive” for “manager”.	
57	Section 85(7)	Substitute “chief executive” for “manager”.	
58	Section 95(3)	In paragraphs (a) and (b) substitute “chief executive” for “manager” in each place where it occurs.	25
59	Section 147(13)	In paragraph (a)(i) substitute “chief executive” for “manager” in both places where it occurs.	
60	Section 147(13)	In paragraph (a) substitute for subparagraph (ii): “(ii) the deputy chief executive (within the meaning of section 148, inserted by section 54 of the Local Government Reform Act 2014, of the Local Government Act 2001) of a local authority shall be deemed to be an officer of the planning authority concerned, and”.	30 35 40
61	Section 148(4)	Substitute “chief executive” for “manager”.	
62	Section 148(5)	In paragraph (b) substitute “chief executive” for “manager” in each place where it occurs.	45
63	Section 169(3)	In paragraphs (a) and (b)(iii) substitute “chief executive” for “manager”.	
64	Section 169(4)	In paragraphs (a), (bb) and (be) substitute “chief executive” for “manager”.	

65	Section 177I(2)	In paragraph (e) substitute “chief executive” for “manager”.	
66	Section 179(3)	In paragraphs (a), and (b)(iv) substitute “chief executive” for “manager”.	
67	Section 179(4)	In paragraph (a) substitute “chief executive” for “manager”.	5
68	Section 179(4)	In paragraphs (b) and (c) substitute “chief executive’s report” for “manager’s report” in each place where it occurs.	
69	Section 179(6)	In paragraph (b) substitute “chief executive” for “manager”.	10
70	Section 238(3)	In paragraphs (a), (b)(iv) and (c) substitute “chief executive” for “manager”.	
71	Section 238(3)	In paragraphs (d) and (e) substitute “chief executive’s report” for “manager’s report” in each place where it occurs.	15

SCHEDULE 3

NATIONAL PLANNING FRAMEWORK AND REFERENCES TO NATIONAL SPATIAL STRATEGY

Section 8(6)

Reference No. (1)	Short title of Act (2)	Provision (3)	Amendment (4)	
1	Planning and Development Act 2000	Section 10	In subsection (1A) substitute “National Planning Framework” for “National Spatial Strategy”.	5
2		Section 10	In paragraphs (a) and (f)(i) of subsection (2A) substitute “National Planning Framework” for “National Spatial Strategy”.	10
3		Section 10	In subsection (2C)(a) substitute “National Planning Framework” for “National Spatial Strategy”.	15
4		Section 22A	In subsection (3) substitute “National Planning Framework” for “National Spatial Strategy”.	
5		Section 23	In subsection (1)(a) substitute “National Planning Framework” for “National Spatial Strategy” in both places where it occurs.	20
6		Section 23	In subsection (2)(a) substitute “National Planning Framework” for “National Spatial Strategy”.	25
7		Section 23	In subsection (3)(a)(iii) substitute “National Planning Framework” for “National Spatial Strategy or any successor strategy”.	30
8		Section 27A	In subsection (3)(b) substitute “regional development through maximising the potential of the regions” for “balanced regional development”.	35
9		Section 37A	In subsection (2)(b) substitute “National Planning Framework” for “National Spatial Strategy”.	
10		Section 143	In subsection (1)(c) substitute “National Planning Framework” for “National Spatial Strategy”.	40

11		Section 177T	In subsection (3) substitute “As respects a draft National Planning Framework, the Government shall prepare a Natura impact report in relation to a draft Land use plan and the following bodies shall also prepare a Natura impact report in relation to a draft Land use plan” for “The following bodies shall prepare a Natura impact report in relation to a draft Land use plan”.	5 10
12	Water Services Act 2007	Section 30	In subsection (3)(c) substitute “National Planning Framework” for “National Spatial Strategy”.	
13	Dublin Transport Authority Act 2008	Section 2	Delete definition of “National Spatial Strategy”.	15
14		Section 12	In subsection (5)(a) substitute “National Planning Framework” for “National Spatial Strategy”.	
15	Public Transport Regulation Act 2009	Section 2	Delete definition of “National Spatial Strategy”.	20
16		Section 10	In subsection (1)(b)(v) substitute “National Planning Framework” for “National Spatial Strategy”.	
17	Water Services (No. 2) Act 2013	Section 33	In subsection (5)(a)(i) substitute “National Planning Framework” for “National Spatial Strategy”.	25
18		Section 33	Delete subsection (12).	

SCHEDULE 4

AMENDMENT TO PLANNING AND DEVELOPMENT ACT 2000

PUBLICATION ON WEBSITE OF A PLANNING AUTHORITY OF CERTAIN SUBMISSIONS AND OBSERVATIONS, AND REPORTS OF THE CHIEF EXECUTIVE, RELATING TO PLANNING PROCESS

Section 8 5

Reference No. (1)	Provision (2)	Amendment (3)	
1	Section 9	<p>After subsection (5) insert:</p> <p>“(5A) (a) Written observations or submissions received by a planning authority under subsection (3) or (4) shall, subject to paragraph (b), be published on the website of the authority within 10 working days of its receipt by that authority.</p> <p>(b) Publication in accordance with paragraph (a)—</p> <p>(i) does not apply where the planning authority is of the opinion that the observation or submission is vexatious, libellous or contains confidential information relating to a third party in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure,</p> <p>(ii) does not apply where the planning authority has sought and receives, either before or after the period of 10 working days referred to in paragraph (a), legal advice to the effect that it should not publish under that paragraph or should cease to so publish, as the case may be, the observations or submissions concerned,</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>

		<p>(iii) does not apply to the extent that the local authority has sought and received, either before or after the period of 10 working days referred to in paragraph (a), legal advice that part of the observations or submissions concerned should not be published on the website of the planning authority or should cease to be so published, as the case may be, or</p> <p>(iv) does not apply where the observations or submissions relate to matters prescribed by the Minister for the purpose of this provision or does not apply to the extent that so much of the observations or submissions relate to matters prescribed by the Minister.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
2	Section 11	<p>After subsection (3) insert:</p> <p>“(3A) (a) Written submissions or observations received by a planning authority under subsection (3) or (4) shall, subject to paragraph (b), be published on the website of the authority within 10 working days of its receipt by that authority.</p> <p>(b) Publication in accordance with paragraph (a)—</p> <p>(i) does not apply where the planning authority is of the opinion that the submission or observation is vexatious, libellous or contains confidential information relating to a third party in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure,</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>

		<p>(ii) does not apply where the planning authority has sought and receives, either before or after the period of 10 working days referred to in paragraph (a), legal advice to the effect that it should not publish under that paragraph or should cease to so publish, as the case may be, the submission or observation concerned,</p> <p>(iii) does not apply to the extent that the local authority has sought and received, either before or after the period of 10 working days referred to in paragraph (a), legal advice that part of the submission or observation concerned should not be published on the website of the planning authority or should cease to be so published, as the case may be, or</p> <p>(iv) does not apply where the submission or observation relates to matters prescribed by the Minister for the purpose of this provision or does not apply to the extent that so much of the submission or observation relates to matters prescribed by the Minister.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
3	Section 11(4)	<p>After paragraph (a) insert:</p> <p>“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following its preparation.”.</p>	<p>40</p>
4	Section 12(4)	<p>After paragraph (a) insert:</p>	

		<p>“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (a).”.</p>	5
5	Section 12(8)	<p>After paragraph (a) insert:</p> <p>“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (a).”.</p>	10 15
6	Section 12	<p>After subsection (8) insert:</p> <p>“(8A) (a) Written submissions or observations received by a planning authority under this section shall, subject to paragraph (b), be published on the website of the authority within 10 working days of its receipt by that authority.</p> <p>(b) Publication in accordance with paragraph (a)—</p> <p>(i) does not apply where the planning authority is of the opinion that the submission or observation is vexatious, libellous or contains confidential information relating to a third party in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure,</p>	20 25 30 35 40

		<p>(ii) does not apply where the planning authority has sought and receives, either before or after the period of 10 working days referred to in paragraph (a), legal advice to the effect that it should not publish under that paragraph or should cease to so publish, as the case may be, the submission or observation concerned, 5</p> <p>(iii) does not apply to the extent that the local authority has sought and received, either before or after the period of 10 working days referred to in paragraph (a), legal advice that part of the submission or observation concerned should not be published on the website of the planning authority or should cease to be so published, as the case may be, or 10 15 20 25</p> <p>(iv) does not apply where the submission or observation relates to matters prescribed by the Minister for the purpose of this provision or does not apply to the extent that so much of the submission or observation relates to matters prescribed by the Minister.”. 30 35</p>
7	Section 13	<p>After subsection (3) insert:</p> <p>“(3A) (a) Written submissions or observations received by a planning authority under this section shall, subject to paragraph (b), be published on the website of the authority within 10 working days of its receipt by that authority. 40</p> <p>(b) Publication in accordance with paragraph (a)— 45</p>

		<p>(i) does not apply where the planning authority is of the opinion that the submission or observation is vexatious, libellous or contains confidential information relating to a third party in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure,</p>	5
		<p>(ii) does not apply where the planning authority has sought and receives, either before or after the period of 10 working days referred to in paragraph (a), legal advice to the effect that it should not publish under that paragraph or should cease to so publish, as the case may be, the submission or observation concerned,</p>	10 15
		<p>(iii) does not apply to the extent that the local authority has sought and received, either before or after the period of 10 working days referred to in paragraph (a), legal advice that part of the submission or observation concerned should not be published on the website of the planning authority or should cease to be so published, as the case may be, or</p>	20 25 30
		<p>(iv) does not apply where the submission or observation relates to matters prescribed by the Minister for the purpose of this provision or does not apply to the extent that so much of the submission or observation relates to matters prescribed by the Minister.”.</p>	35

		<p>(II) does not apply where the planning authority has sought and receives, either before or after the period of 10 working days referred to in subparagraph (i), legal advice to the effect that it should not publish under that subparagraph or should cease to so publish, as the case may be, the submission or observation concerned, 5</p> <p>(III) does not apply to the extent that the local authority has sought and received, either before or after the period of 10 working days referred to in subparagraph (i), legal advice that part of the submission or observation concerned should not be published on the website of the planning authority or should cease to be so published, as the case may be, or 10 15 20 25</p> <p>(IV) does not apply where the submission or observation relates to matters prescribed by the Minister for the purpose of this provision or does not apply to the extent that so much of the submission or observation relates to matters prescribed by the Minister.”. 30 35 40</p>	
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11	Section 20(3)	<p>After paragraph (k) insert:</p> <p>“(ka) A chief executive’s report prepared for the purposes of paragraph (k) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (k).”</p>
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An Bille um Pleanáil agus Forbairt (Leasú),
2016

BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna um Pleanáil agus Forbairt, 2000 go 2015 agus, chun na críche sin, do bhunú oifig, ar a dtabharfar Oifig an Rialálaí Pleanála, chun cúrsaí pleanála a mheasúnú agus chun measúnachtaí a bhaineann leo a dhéanamh agus chun tuairimí agus moltaí a sholáthar i ndáil leis na cúrsaí sin, chun athbhreithnithe agus scrúduithe a sheoladh agus chun cláir oideachais agus oiliúna a sheoladh agus chun taighde a dhéanamh i ndáil le cúrsaí pleanála; do dhéanamh socrú maidir le heagrú agus foireann na hOifige sin; do dhéanamh socrú maidir le Creat Pleanála Náisiúnta; do dhéanamh socrú go ndéanfaidh Uisce Éireann ceanglais phleanála agus forbartha áirithe a chur i gcuntas; do dhéanamh leasuithe ilghnéitheacha agus iarmhartacha ar an Acht um Pleanáil agus Forbairt, 2000, agus ar Achtanna éagsúla eile a mhéid a bhaineann siad le pleanáil agus forbairt, agus do dhéanamh socrú i dtaobh nithe comhghaolmhara.

Ritheadh ag Dáil Éireann,

31 Eanáir, 2018

Planning and Development (Amendment)
Bill 2016

BILL

(as passed by Dáil Éireann)

entitled

An Act to amend and extend the Planning and Development Acts 2000 to 2015 and for that purpose to establish an office, to be known as the Office of the Planning Regulator, to evaluate and carry out assessments relating to planning matters and provide observations and recommendations in relation to those matters, to conduct reviews and examinations and to conduct education and training programmes and research in relation to planning matters; to provide for the organisation and staffing of that Office; to provide for a National Planning Framework; to provide for certain planning and development requirements to be taken into account by Irish Water; to make miscellaneous and consequential amendments to the Planning and Development Act 2000 and to various other Acts in so far as they relate to planning and development and to provide for connected matters.

Passed by Dáil Éireann,

31st January, 2018

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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